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Pennsylvania Law Statistics

OF THE

GENERAL ASSEMBLY

OF THE

Commonwealth of Pennsylvania,

PASSED AT THE SESSION OF 1840.

IN THE

SIXTY-FOURTH YEAR OF INDEPENDENCE:

INCLUDING TEN ACTS AND FOUR RESOLUTIONS,

PASSED BY BOTH BRANCHES OF THE LEGISLATURE, AT THE SESSION OF 1838-9.



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THE CONSTITUTION

OF THE COMMONWEALTH OF PENNSYLVANIA, AS AMENDED BY
THE CONVENTION OF ONE THOUSAND EIGHT HUNDRED AND
THIRTY-SEVEN-THIRTY-EIGHT.

WE, The People of the Commonwealth of Pennsylvania,
Ordain and Establish this Constitution for its Government.

ARTICLE I.

SECTION I. The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives. ^{Legislative power.}

SECTION II. The representatives shall be chosen annually by the citizens of the city of Philadelphia, and of each county respectively, on the second Tuesday of October. ^{Election of Representatives.}

SECTION III. No person shall be a representative who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the State three years next preceding his election, and the last year thereof an inhabitant of the district in and for which he shall be chosen a representative, unless he shall have been absent on the public business of the United States, or of this State. ^{Qualification of Representatives.}

SECTION IV. Within three years after the first meeting of the General Assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made in such manner as shall be directed by law. The number of representatives shall at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the city of Philadelphia and the several counties, according to the number of taxable inhabitants in each: and shall never be less than sixty nor greater than one hundred. Each county shall have at least one representative, but no county hereafter erected shall be entitled to a separate representation until a sufficient number of taxable inhabitants shall be contained within it, to entitle them to one representative, agreeably to the ratio which shall then be established. ^{Census.} ^{Ratio of representation.}

SECTION V. The senators shall be chosen for three years by the citizens of Philadelphia and of the several counties, at ^{Election of Senators.}

the same time, in the same manner, and at the same places where they shall vote for representatives.

Ratio of Senatorial representation.

SECTION VI. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the Legislature, and apportioned among the districts formed as hereinafter directed, according to the number of taxable inhabitants in each; and shall never be less than one-fourth, nor greater than one-third, of the number of representatives.

Districts for electing senators.

SECTION VII. The senators shall be chosen in districts, to be formed by the legislature; but no district shall be so formed as to entitle it to elect more than two senators, unless the number of taxable inhabitants in any city or county shall, at any time, be such as to entitle it to elect more than two, but no city or county shall be entitled to elect more than four senators; when a district shall be composed of two or more counties, they shall be adjoining; neither the city of Philadelphia nor any county shall be divided in forming a district.

Qualification of senators.

SECTION VIII. No person shall be a senator, who shall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the State four years next before his election, and the last year thereof an inhabitant of the district for which he shall be chosen, unless he shall have been absent on the public business of the United States or of this State; and no person elected as aforesaid, shall hold said office after he shall have removed from such district.

Classification of senators.

SECTION IX. The senators who may be elected at the first general election after the adoption of the amendments to the constitution, shall be divided by lot into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year; so that thereafter, one-third of the whole number of senators may be chosen every year. The senators elected before the amendments to the constitution shall be adopted, shall hold their offices during the terms for which they shall respectively have been elected.

Meeting of the General Assembly.

SECTION X. The General Assembly shall meet on the first Tuesday of January, in every year, unless sooner convened by the Governor.

Officers of each House.

SECTION XI. Each house shall choose its Speaker and other officers; and the Senate shall also choose a Speaker pro tempore, when the Speaker shall exercise the office of Governor.

Powers of each House.

SECTION XII. Each house shall judge of the qualifications of its members. Contested elections shall be determined by a committee to be selected, formed and regulated in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized by

law to compel the attendance of absent members, in such manner and under such penalties as may be provided.

SECTION XIII. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free state. Censure and expulsion.

SECTION XIV. The legislature shall not have power to enact laws annulling the contract of marriage in any case where, by law, the courts of this commonwealth are or may hereafter be empowered to decree a divorce. Divorce.

SECTION XV. Each house shall keep a journal of its proceedings, and publish them weekly, except such parts as may require secrecy, and the yeas and nays of the members on any question shall at the desire of any two of them, be entered on the journals. Journals yeas and nays.

SECTION XVI. The doors of each house and of committees of the whole shall be open, unless when the business shall be such as ought to be kept secret. Open doors.

SECTION XVII. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting. Adjournments

SECTION XVIII. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the commonwealth. They shall in all cases, except treason, felony, and breach or surety of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same. And for any speech or debate in either house, they shall not be questioned in any other place. Compensation and privileges of members.

SECTION XIX. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth which shall have been created, or the emoluments of which shall have been increased during such time; and no member of Congress or other person holding any office (except of attorney at law and in the militia) under the United States or this commonwealth, shall be a member of either house during his continuance in Congress or in office. Disqualifications of members.

SECTION XX. When vacancies happen in either house the Speaker shall issue writs of election to fill such vacancies. Vacancies.

SECTION XXI. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills. Revenue bills.

SECTION XXII. No money shall be drawn from the treasury but in consequence of appropriations made by law. Treasury.

SECTION XXIII. Every bill which shall have passed both houses shall be presented to the Governor. If he approve he by the Gover-

nor with objections. shall sign it, but if he shall not approve he shall return it with his objections to the house in which it shall have originated, who shall enter the objections at large upon their journals and proceed to re-consider it. If, after such re consideration two thirds of that house shall agree to pass the bill, it shall be sent with the objections to the other house, by which likewise it shall be re-considered, and if approved by two-thirds of that house, it shall be a law. But in such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the Governor within ten days, (Sundays excepted,) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly by their adjournment, prevent its return, in which case it shall be a law, unless sent back within three days after their next meeting.

Bills not returned.

SECTION XXIV. Every order, resolution or vote to which the concurrence of both houses may be necessary, (except on a question of adjournment,) shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be re-passed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

Orders resolutions & votes.

SECTION XXV. No corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges, without six months previous public notice of the intended application for the same in such manner as shall be prescribed by law. Nor shall any charter for the purposes aforesaid, be granted for a longer period than twenty-years, and every such charter shall contain a clause reserving to the legislature the power to alter, revoke or annul the same whenever in their opinion it may be injurious to the citizens of the Commonwealth, in such manner however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

Bank incorporations how obtained.

Charters limited.

ARTICLE II.

SECTION I. The Supreme Executive power of this commonwealth shall be vested in a Governor.

SECTION II. The Governor shall be chosen on the second Tuesday of October, by the citizens of the commonwealth, at the places where they shall respectively vote for representatives. The returns for every election for Governor shall be sealed up and transmitted to the Seat of Government, directed to the Speaker of the Senate, who shall open and publish them in the presence of the members of both houses of the legislature. The person having the highest number of votes shall be Governor. But if two or more shall be equal and

Election of Governor.

highest in votes, one of them shall be chosen Governor by the joint vote of the members of both houses. Contested elections shall be determined by a committee to be selected from both houses of the legislature, and formed and regulated in such manner as shall be directed by law.

SECTION III. The Governor shall hold his office during ^{Continuance} three years from the third Tuesday of January next ensuing ^{in office.} his election, and shall not be capable of holding it longer than six, in any term of nine years.

SECTION IV. He shall be at least thirty years of age, and ^{Qualifications} have been a citizen and an inhabitant of this State seven years next before his election, unless he shall have been absent on the public business of the United States, or of this State.

SECTION V. No member of Congress, or person holding any office under the United States, or this State, shall exer- ^{Disqualifica-} cise the office of Governor. ^{tions.}

SECTION VI. That the Governor shall, at stated times, re- ^{Compensation} ceive for his services a compensation, which shall be neither increased nor diminished, during the period for which he shall have been elected.

SECTION VII. He shall be commander-in chief of the army and navy of this Commonwealth, and of the militia, except ^{Military pow-} when they shall be called into the actual service of the United ^{ers.} States.

SECTION VIII. He shall appoint a Secretary of the Commonwealth during pleasure; and he shall nominate, and by ^{General pow-} and with the advice and consent of the Senate, appoint all ^{ers & duties.} judicial officers of courts of record, unless otherwise provided for in this Constitution. He shall have power to fill all vacancies that may happen in such judicial offices during the recess of the Senate, by granting commissions, which shall expire at the end of their next session: *Provided*, That in acting on Executive nominations, the Senate shall sit with open doors; and in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays.

SECTION IX. He shall have power to remit fines and for- ^{Pardons.} feitures, and grant reprieves and pardons, except in cases of impeachment.

SECTION X. He may require information in writing from ^{Information} the officers in the Executive Department, upon any subject ^{from officers of} relating to the duties of their respective offices. ^{Executive de-}

SECTION XI. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and ^{Information to} recommend to their consideration such measures as he shall ^{the legislature} judge expedient.

SECTION XII. He may, on extraordinary occasions, con- ^{Convene and} vene the General Assembly; and in case of disagreement ^{adjourn the} between the two Houses, with respect to the time of adjourn- ^{legislature.} ment, adjourn them to such time as he shall think proper, not exceeding four months.

Execution of laws, SECTION XIII. He shall take care that the laws be faithfully executed.

Vacancy by death &c. how supplied. SECTION XIV. In case of the death or resignation of the Governor, or of his removal from office, the Speaker of the Senate shall exercise the office of Governor, until another Governor shall be duly qualified. But in such case another Governor shall be chosen at the next annual election of representatives, unless such death, resignation, or removal, shall occur within three calendar months immediately preceding such next annual election; in which case, a Governor shall be chosen at the second succeeding annual election of Representatives. And if the trial of a contested election shall continue longer than until the third Monday of January next ensuing the election of Governor, the Governor of the last year, or the Speaker of the Senate, who may be in the exercise of the Executive authority, shall continue therein until the determination of such contested election, and until a Governor shall be duly qualified, as aforesaid.

Contested election.

SECTION XV. The Secretary of the Commonwealth shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before either branch of the Legislature, and shall perform such other duties as shall be enjoined him by law.

ARTICLE III.

Election franchise. SECTION I. In elections by the citizens every white free-man of the age of twenty-one years, having resided in this State one year, and in the election district where he offers to vote, ten days immediately preceding such election, and within two years paid a State or county tax, which shall have been assessed at least ten days before the election, shall enjoy the rights of an elector. But a citizen of the United States who had previously been a qualified voter of this State, and removed therefrom and returned, and who shall have resided in the election district, and paid taxes, as aforesaid, shall be entitled to vote after residing in the State six months: *Provided*, That white freemen, citizens of the United States, between the ages of twenty-one and twenty-two years, and having resided in the State one year, and in the election district ten days, as aforesaid, shall be entitled to vote, although they shall not have paid taxes.

Elections. SECTION II. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote viva voce.

Electors privileged. SECTION III. Electors shall, in all cases, except treason, felony, and breach or surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from them.

ARTICLE IV.

SECTION I. The House of Representatives shall have the sole power of impeaching.

SECTION II. All impeachments shall be tried by the Senate. ^{Impeachment}
When sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

SECTION III. The Governor, and all other civil officers under this Commonwealth, shall be liable to impeachment for any misdemeanor in office; but judgment, in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit, under this Commonwealth: The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment, and punishment according to law.

ARTICLE V.

SECTION I. The judicial power of this Commonwealth, ^{Judiciary.}
shall be vested in a Supreme Court, in Courts of Oyer and Terminer and General Jail Delivery, in a Court of Common Pleas, Orphans' Court, Register's Court, and a Court of Quarter Sessions of the Peace, for each county; in Justices of the Peace, and in such other Courts, as the legislature may from time to time establish.

SECTION II. The judges of the Supreme Court, of the several courts of Common Pleas, and of such other courts of record as are or shall be established by law, shall be nominated by the Governor, and by and with the consent of the Senate appointed and commissioned by him. ^{Appointment of judges of Supreme court}
The judges of the Supreme Court, shall hold their offices for the term of fifteen years, if they shall so long behave themselves well. The president judges of the several courts of Common Pleas, and of such other courts of Record, as are or shall be established by law, and all other judges required to be learned in the law, shall hold their offices for the term of ten years, if they shall so long behave themselves well. The Associate judges of the courts of Common Pleas, shall hold their offices for the term of five years, if they shall so long behave themselves well. But for any reasonable cause which shall not be sufficient ground of impeachment, the Governor may remove any of them on the address of two-thirds of each branch of the legislature. The judges of the Supreme Court, and the presidents of the several courts of Common Pleas, shall at stated times receive for their services an adequate compensation to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit under this Commonwealth.

SECTION III. Until otherwise directed by law, the courts of Common Pleas shall continue as at present established. ^{Not Com. pleas.}
more than five counties shall at any time be included in one judicial district organized for said courts.

Supreme court. SECTION IV. The jurisdiction of the Supreme Court, shall extend over the State ; and the judges thereof, shall by virtue of their offices, be justices of Oyer and Terminer and General Jail Delivery, in the several counties.

Jurisdiction of judges Com. pleas. SECTION V. The judges of the court of Common Pleas, in each county, shall by virtue of their offices, be justices of Oyer and Terminer and General Jail Delivery, for the trial of capital and other offenders therein ; any two of the said judges, the president being one, shall be a quorum ; but they shall not hold a court of Oyer and Terminer, or Jail Delivery, in any county, when the judges of the Supreme court, or any of them, shall be sitting in the same county. The party accused, as well as the Commonwealth, may, under such regulations as shall be prescribed by law, remove the indictment and proceedings or a transcript thereof, into the Supreme court.

Chancery powers vested in courts. SECTION VI. The Supreme court, and the several courts of Common Pleas, shall, beside the powers heretofore usually exercised by them, have the power of a court of Chancery, so far as relates to the perpetuating of testimony, the obtaining of evidence from places not within the State, and the care of the persons and estates of those who are non compotes mentis. And the legislature shall vest in the said courts, such other powers to grant relief in equity, as shall be found necessary : and may, from time to time, enlarge or diminish those powers or vest them in such other courts as they shall judge proper, for the due administration of justice.

Quarter Sessions orphans and registers courts. SECTION VII. The judges of the court of Common Pleas of each county, any two of whom shall be a quorum, shall compose the court of Quarter Sessions of the peace, and Orphans' court thereof ; and the register of wills, together with the said judges, or any two of them, shall compose the Registers' court of each county.

Writs of certiorari. SECTION VIII. The judges of the courts of Common Pleas, shall, within their respective counties, have the like powers with the judges of the Supreme court, to issue writs of certiorari to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

Criminal powers. SECTION IX. The president of the court in each circuit within such circuit, and the judges of the court of Common Pleas, within their respective counties, shall be justices of the peace, so far as relates to criminal matters.

Registers and recorders. SECTION X. A register's office, for the probate of wills and granting letters of administration, and an office for the recording of deeds, shall be kept in each county.

Style of process. SECTION XI. The style of all process shall be "the Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the Commonwealth of Pennsylvania, and conclude, "against the peace and dignity of the same."

ARTICLE VI.

SECTION I. Sheriffs and coroners shall, at the times and places of election of representatives, be chosen by the citizens of each county. One person shall be chosen for each office, who shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified; but no person shall be twice chosen or appointed sheriff, in any term of six years. Vacancies in either of the said offices, shall be filled by an appointment, to be made by the Governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

Sheriffs and coroners.

SECTION II. The freemen of this commonwealth shall be armed, organized and disciplined for its defence, when and in such manner as may be directed by law. Those who conscientiously scruple to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

SECTION III. Prothonotaries of the Supreme Court shall be appointed by the said court for the term of three years, if they so long behave themselves well. Prothonotaries and clerks of the several other courts, Recorders of Deeds, and Registers of Wills, shall, at the times and places of election of representatives, be elected by the qualified electors of each county, or the districts over which the jurisdiction of said courts extends, and shall be commissioned by the Governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until their successors shall be duly qualified. The legislature shall provide by law, the number of persons in each county who shall hold said offices, and how many and which of said offices shall be held by one person. Vacancies in any of the said offices shall be filled by appointments to be made by the Governor, to continue until the next general election, and until successors shall be elected and qualified as aforesaid.

Public officers appointment and election.

SECTION IV. Prothonotaries, clerks of the peace and orphans' courts, recorders of deeds, registers of wills, and sheriffs, shall keep their offices in the county town of the county in which they, respectively shall be officers; unless when the Governor shall, for special reasons, dispense therewith, for any term not exceeding five years after the county shall have been erected.

Location of offices.

SECTION V. All commissions shall be in the name and by the authority of the Commonwealth of Pennsylvania, and be sealed with the State seal, and signed by the Governor.

Style of commissioners.

SECTION VI. A State Treasurer shall be elected annually, by joint vote of both branches of the legislature.

State treasurer.

SECTION VII. Justices of the peace or aldermen shall be elected in the several wards, boroughs, and townships, at the time of the election of constables by the qualified voters there-

Election of justices of the

peace and al- of, in such number as shall be directed by law, and shall be
dermen. commissioned by the Governor for a term of five years ; but
no township, ward or borough shall elect more than two jus-
tices of the peace or aldermen without the consent of a ma-
jority of the qualified electors within such township, ward or
borough.

Election offi- SECTION VIII. All officers whose election or appointment
ces. is not provided for in this constitution, shall be elected or ap-
pointed as shall be directed by law. No person shall be ap-
pointed to any office within any county who shall not have
been a citizen and an inhabitant therein one year next before
his appointment, if the county shall have been so long erected ;

Prohibitions. but if it shall not have been so long erected, then within the
limits of the county or counties out of which it shall have
been taken. No member of congress from this state, or any
person holding or exercising any office or appointment of
trust or profit under the United States, shall at the same time
hold or exercise any office in this state, to which a salary is,
or fees or perquisites are by law annexed ; and the legislature
may by law declare what State offices are incompatible. No
member of the Senate or of the House of Representatives,
shall be appointed by the Governor to any office during the
term for which he shall have been elected.

Official terms. **SECTION IX.** All officers for a term of years shall hold
their offices for the terms respectively specified, only on the
condition that they so long behave themselves well ; and shall
be removed on conviction of misbehaviour in office or of any
infamous crime.

Dueling. **SECTION X.** Any person who shall, after the adoption of
the amendments proposed by this Convention to the Consti-
tution, fight a duel or send a challenge for that purpose, or be
aider or abettor in fighting a duel, shall be deprived of the
right of holding any office of honor or profit in this State, and
shall be punished otherwise in such manner as is, or may be
prescribed by law ; but the executive may remit the said
offence and all its disqualifications.

ARTICLE VII.

Public schools **SECTION I.** The legislature shall, as soon as conveniently
may be, provide by law, for the establishment of schools
throughout the State, in such manner that the poor may be
taught gratis.

Literature. **SECTION II.** The arts and sciences shall be promoted in
one or more seminaries of learning.

Corporations. **SECTION III.** The rights, privileges, immunities and estates
of religious societies and corporate bodies shall remain as if
the Constitution of this State had not been altered or amended.

Corporate re- SECTION IV. The legislature shall not invest any corporate
cations. body or individual with the privilege of taking private prop-
erty for public use, without requiring such corporation or indi-

vidual to make compensation to the owners of said property, or give adequate [security] therefor, before such property shall be taken.

ARTICLE VIII.

Members of the General Assembly, and ail officers, executive and judicial, shall be bound by oath or affirmation, to support the Constitution of this Commonwealth, and to perform the duties of their respective offices with fidelity. Oath of office.

THAT the general, great, and essential principles of Liberty and Free Government may be recognized and unalterably established, WE DECLARE, THAT

SECTION I. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness. Rights of life liberty property &c.

SECTION II. All power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness ; for the advancement of these ends, they have, at all times, an unalienable and indefeasible right to alter, reform or abolish their government, in such manner as they may think proper. Power & government.

SECTION III. All men have a natural and indefeasible right to worship Almighty God, according to the dictates of their own consciences ; no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent ; no human authority can, in any case whatever, control or interfere with the rights of conscience ; and no preference shall ever be given, by law, to any religious establishments or modes of worship. Rights of conscience &c.

SECTION IV. No person who acknowledges the being of a God and a future state of rewards and punishments, shall on account of his religious sentiments be disqualified to hold any office or place of trust or profit under this commonwealth. Religion.

SECTION V. Elections shall be free and equal. Elections.

SECTION VI. Trial by jury shall be as heretofore, and the right thereof remain inviolate. Trial by jury.

SECTION VII. The printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man ; and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. In prosecutions for the publication of papers investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence ; and in all indictments for libels the jury shall have a right to determine the The press. Libels.

law and the facts, under the direction of the court, as in other cases.

Searches and seizures. SECTION VIII. The people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and no warrant to search any place, or to seize any person or things, shall issue, without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

Right of accused in criminal prosecutions. SECTION IX. In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial, by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land.

Information &c. SECTION X. No person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger, or by leave of the court, for oppression and misdemeanor in office. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall any man's property be taken or applied to public use, without the consent of his representatives, and without just compensation being made.

Courts of justice open suits against state. SECTION XI. All courts shall be open, and every man for an injury done him in his lands, goods, person or reputation, shall have remedy by the due course of law, and right and justice administered, without sale, denial or delay. Suits may be brought against the commonwealth in such manner, in such courts, and in such cases as the legislature may by law direct.

Suspending laws. SECTION XII. No power of suspending laws shall be exercised, unless by the legislature, or its authority.

Bail. SECTION XIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Prisoners. SECTION XIV. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

Oyer & Terminer &c. SECTION XV. No commission of Oyer and Terminer or Gaol Delivery shall be issued.

Insolvent debtors. SECTION XVI. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

Expost facto laws. SECTION XVII. No ex post facto law, nor any law impairing contracts shall be made.

SECTION XVIII. No person shall be attainted of treason or felony by the legislature. Treason and
Felony.

SECTION XIX. No attainer shall work corruption of blood, nor except during the life of the offender, forfeiture of estate to the commonwealth; the estates of such persons as shall destroy their own lives, shall descend or vest as in case of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof. Attainder &c.

SECTION XX. The citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance. Right to as-
semble.

SECTION XXI. The right of citizens to bear arms in defence of themselves and the State, shall not be questioned. Bear arms.

SECTION XXII. No standing army shall, in time of peace, be kept up without the consent of the Legislature; and the military shall, in all cases, and at all times, be in strict subordination to the civil power. Military.

SECTION XXIII. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law. Quartering
troops.

SECTION XXIV. The Legislature shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment to which shall be for a longer term than during good behaviour. Titles and of-
fices.

SECTION XXV. Emigration from the State shall not be prohibited. Emigration.

SECTION XXVI. To guard against transgressions of the high powers which we have delegated, WE DECLARE, that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate. Exception
from the gen-
eral powers
of government

ARTICLE X.

Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon; and the Secretary of the Commonwealth shall cause the same to be published three months before the next election, in at least one newspaper in every county in which a newspaper shall be published; and if, in the Legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in manner aforesaid; and such proposed amendment or amendments shall be submitted to the people in such manner, and at such time, at least three months after being so agreed to by the two Houses, Amendments
how made.

as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the qualified voters of this State voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted to the people oftener than once in five years: *Provided*, That if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for or against each amendment separately and distinctly.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the Constitution of this Commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained, That

Former laws. SECTION I. All laws of this Commonwealth in force at the time when the said alterations and amendments, in the said Constitution, shall take effect, and not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

Amendments when to take effect. SECTION II. The alterations and amendments in the said Constitution shall take effect from the first day of January, eighteen hundred and thirty-nine.

Articles unaltered to remain as heretofore. SECTION III. The clauses, sections, and articles of the said Constitution, which remain unaltered, shall continue to be construed and have effect, as if the said Constitution had not been amended.

First general assembly. SECTION IV. The General Assembly which shall convene in December, eighteen hundred and thirty-eight, shall continue its session as heretofore, notwithstanding the provision in the eleventh section of the first article, and shall at all times be regarded as the first General Assembly under the amended Constitution.

Executive inauguration. SECTION V. The Governor, who shall be elected in October, eighteen hundred and thirty-eight, shall be inaugurated on the third Tuesday in January, eighteen hundred and thirty-nine; to which time the present Executive term is hereby extended.

Expiration of commissions of judges Supreme court. SECTION VI. The commissions of the Judges of the Supreme Court, who may be in office on the first day of January next, shall expire in the following manner: The commission which bears the earliest date shall expire in the first day of January, Anno Domini, one thousand eight hun-

dred and forty-two; the commission next dated shall expire on the first day of January, Anno Domini, one thousand eight hundred and forty-five; the commission next dated shall expire on the first day of January, Anno Domini, one thousand eight hundred and forty-eight; the commission next dated shall expire on the first day of January, Anno Domini, one thousand eight hundred and fifty-one; and the commission last dated shall expire on the first day of January, Anno Domini, one thousand eight hundred and fifty-four.

SECTION VII. The commissions of the president judges of the several judicial districts, and of the associate law judges of the first judicial district, shall expire as follows: ^{Expiration of commissions of president judges.} The commissions of one half of those who shall have held their offices ten years or more, at the adoption of the amendments to the constitution, shall expire on the twenty-seventh day of February, one thousand eight hundred and thirty-nine; the commissions of the other half of those who shall have held their offices ten years or more at the adoption of the amendments to the constitution, shall expire on the twenty-seventh day of February, one thousand eight hundred and forty-two: the first half to embrace those whose commissions shall bear the oldest date. The commissions of all the remaining judges who shall not have held their offices for ten years at the adoption of the amendments to the constitution, shall expire on the twenty-seventh day of February next, after the end of ten years from the date of their commissions.

SECTION VIII. The Recorders of the several Mayors' Courts, and other criminal courts in this Commonwealth, ^{Recorder's & Mayors courts &c.} shall be appointed for the same time, and in the same manner, as the president judges of the several judicial districts; of those now in office, the commission oldest in date shall expire on the twenty-seventh day of February, one thousand eight hundred and forty-one, and the others every two years thereafter according to their respective dates. Those oldest in date expiring first.

SECTION IX. The Legislature at its first session under the amended constitution, shall divide the other associate judges of the State into four classes. ^{Classification of associate judges.} The commissions of those of the first class shall expire on the twenty-seventh day of February, eighteen hundred and forty; of those of the second class on the twenty-seventh day of February, eighteen hundred and forty-one; of those of the third class on the twenty-seventh day of February, eighteen hundred and forty-two; and of those of the fourth class on the twenty-seventh day of February, eighteen hundred and forty-three. The said classes from the first to the fourth, shall be arranged according to the seniority of the commissions of the several judges.

SECTION X. Prothonotaries, clerks of the several courts ^{Election of public officers} (except of the Supreme court) recorders of deeds and registers

of wills, shall be first elected under the amended Constitution, at the election of representatives in the year eighteen hundred and thirty-nine, in such manner as may be prescribed by law.

Appointing
power as here-
tofore.

SECTION XI. The appointing power shall remain as heretofore, and all officers in the appointment of the executive department, shall continue in the exercise of the duties of their respective offices, until the legislature shall pass such laws as may be required by the eighth section of the sixth article of the amended constitution, and until appointments shall be made under such laws, unless their commissions shall be superseded by new appointments, or shall sooner expire by their own limitations, or the said offices shall become vacant by death or resignation; and such laws shall be enacted by the first legislature under the amended constitution.

First election
of Aldermen
and justices of
the peace.

SECTION XII. The first election for aldermen and justices of the peace, shall be held in the year eighteen hundred and forty, at the time fixed for the election of constables. The legislature at its first session under the amended constitution shall provide for the said election and for subsequent similar elections. The aldermen and justices of the peace now in commission, or who may in the interim be appointed, shall continue to discharge the duties of their respective offices, until fifteen days after the day which shall be fixed by law for the issuing of new commissions, at the expiration of which time their commissions shall expire.

IN TESTIMONY that the foregoing is the amended Constitution of Pennsylvania, as agreed to in Convention, We the officers and members of the Convention have hereunto signed our names at Philadelphia, the twenty-second day of February, Anno Domini, one thousand eight hundred and thirty-eight, and of the Independence of the United States of America the sixty-second.

JOHN SERGEANT, President.

Daniel Agnew,
Wm. Ayres,
M. W. Baldwin,
Ephraim Banks,
John Y. Barclay,
Jacob Barndollar,
Chas. A. Barnitz,
Andrew Bedford,
Thos. S. Bell,
James Cornell Biddle,
Lebheus L. Bigelow,
Saml. C. Bonham,
Chas. Brown,
Jeremiah Brown,
William Brown,
Pierce Butler,
Samuel Carey,

George Chambers,
John Chandler,
Jos. R. Chandler,
Ch. Chauncey,
Nathaniel Clapp,
James Clarke,
John Clarke,
William Clark,
Saml. Cleavenger,
A. J. Cline,
Lindley Coates,
R. E. Cochran,
Thos. P. Cope,
Joshua F. Cox,
Walter Craig,
Richd. M. Crain,
Geo. T. Crawford,

Cornelius Crum,	Benjamin Martin,
John Cummin,	John J. M'Cahen,
Thomas S. Cunningham,	E. T. M'Dowell,
William Curll,	James M'Sherry,
Wm. Darlington,	W. M. Meredith,
Mark Darrah,	James Merrill,
Harmar Denny,	Levi Merkel,
John Dickey,	Wm. L. Miller,
Joshua Dickerson,	James Montgomery,
Jacob Dillinger,	Christian Myers,
Jas. Donagan,	D. Nevin,
J. R. Donnell,	Wm. Overfield,
Joseph M. Doran,	Hiram Payne,
James Dunlop,	Matthias Pennypacker,
Thomas Earle,	James Pollock,
D. M. Farrelly,	James Porter,
Robt. Fleming,	James Madison Porter,
Walter Forward,	Saml. A. Purviance,
John Foulkrod,	E. C. Reigart,
Joseph Fry, Jr.	A. H. Read,
John Fuller,	Geo. W. Riter,
John A. Gamble,	Jno. Ritter,
William Gearhart,	H. Gold Rogers,
David Gilmore,	Samuel Royer,
Virgil Grenell,	James M. Russell,
William L. Harris,	Daniel Saeger,
Thomas Hastings,	John Morin Scott,
Ezra S. Hayhurst,	Tobias Sellers,
Wm. Hays,	G. Seltzer,
Abm. Helffenstein,	Geo. Serrill,
M. Henderson,	Henry Scheetz,
Wm. Henderson,	George Shilleto,
Wm. Hiester,	Thomas H. Sill,
William High,	Geo. Smith,
Jos. Hopkinson,	Wm. Smyth,
John Hout,	Joseph Snively,
Jabez Hyde,	Jno. B. Sterigere,
Charles Jared Ingersoll,	Jacob Stickel,
Phs. Jenks,	Ebenezer W. Sturdevant,
George M. Keim,	Thomas Taggart,
James Kennedy,	Morgan J. Thomas,
Aaron Kerr,	James Todd,
Jos. Konigmacher,	Thomas Weaver,
Jacob Krebs,	Jacob B. Weidman,
H. G. Long,	R. G. White,
David Lyons,	Geo. W. Woodward,
Alex. Magee,	R. Young.
Joel K. Mann,	

Attest: S. SHOCH, Secretary.

G. L. FAUSS, }
J. WILLIAMS, } Assistant Secretaries.

CONTENTS

PASSED AT THE SESSION OF 1838-9.

No.

203. An act to incorporate the Mount Carmel Cemetery company, in the county of Philadelphia.
204. An act to incorporate the Mutual Insurance Association, of Philadelphia.
205. An act for the improvement of the navigation of the Big Bush-kill creek.
206. A supplement to an act entitled "An act to incorporate and endow the Pennsylvania Institution for the instruction of the blind."
207. An act to incorporate the Penn township Cemetery association.
208. An act to incorporate the Medical College of Philadelphia.
209. An act supplementary to an act entitled "An act to incorporate the subscribers to the Insurance Company of North America," and the supplements thereto.
210. A supplement to an act entitled "An act for the relief and employment of the poor of the city of Philadelphia, the district of Southwark, and the townships of the Northern Liberties and Penn."
211. An act authorizing the laying out and locating a State Road from Centreville, a point in Greene county, near the Virginia State-line, to the town of Amity, in Washington county, and for other purposes.
212. An act to incorporate the Juniata Navigation company.

PASSED AT THE SESSION OF 1840.

1. An act to authorize a Loan.
2. An act to designate the time of electing Directors on the part of the Commonwealth, in the Bank of Pennsylvania, Philadelphia Bank, and the Columbia Bridge Company.
3. An Act supplementary to an Act entitled "An Act to provide for the erection of a house for the employment and support of the poor, in the county of Erie."
4. An Act to incorporate a Female Academy in M'Sherrystown, Pennsylvania.
5. An Act supplementary to an Act entitled "An Act to incorporate the Southwark Fire Insurance Company, of the county of Philadelphia.

No.

6. A Supplement to an act entitled an Act relative to the building of certain bridges over the Monongahela and Allegheny rivers, opposite Pittsburg.
7. An Act authorizing Elie A. F. Vallette to change his name to Elie Augustus F. Lavallette, and family name to Lavallette, instead of Vallette.
8. Supplement to an Act entitled "An Act to provide for the erection of a house for the employment and support of the poor in the county of Westmoreland," passed the 26th day of January, 1839.
9. An Act to incorporate an Academy in Byberry township, Philadelphia county.
10. An Act dividing the incorporated township of Moyamensing, in the county of Philadelphia, in the borough of Erie, and the borough of Pottsville, into wards, and for other purposes.
11. A supplement to an act, entitled an act relating to the Elections of this Commonwealth.
12. An Act to incorporate the Laurel Fire Company of the borough of York.
13. An act to incorporate the Union Fire Company in Carlisle.
14. An Act for the relief of David White, and others, soldiers and widows of soldiers of the Revolutionary and Indian wars.
15. An Act authorizing the Commissioners of the county of York to borrow a sum of money.
16. An act to incorporate the Cumberland Fire Company in Carlisle.
17. An Act to incorporate the town of Horacetown, in Tioga county, into a borough, to be called the borough of Horacetown, and for other purposes.
18. An Act to enable the taxable inhabitants of Beaver township, Union county, to elect an additional Supervisor.
19. An Act to incorporate the Trenton City Bridge Company.
20. An Act to establish a Court for the trial of crimes and misdemeanors, committed in the city and county of Philadelphia.
21. An Act to divide the township of Germantown into two distinct wards, and for other purposes.
22. An Act to authorize the transfer of certificates of State stock.
23. An Act authorizing the Faculty of Pennsylvania College to confer the degree of Doctor of Medicine.
24. An Act authorizing the citizens of North Whitehall, in the county of Lehigh, to elect two additional Supervisors in said township, and for other purposes.

No.

25. An Act relative to the election of a constable and officers for the borough of Youngstown, in Westmoreland county, and for other purposes.
26. An Act relative to the election of borough and township officers, and for other purposes.
27. A further Supplement to the Act entitled "An Act to erect the town of Chester and its vicinity, in the county of Delaware, into a borough, and for other purposes therein mentioned."
28. An Act erecting the borough of West Greenville and the township of West Salem, into a separate election districts, and for other purposes.
29. An Act supplementary to, and explanatory of an Act entitled "An Act to classify the Associate Judges of the State."
30. An Act supplementary to an Act passed the 30th January, 1810, entitled "An act to incorporate the Bible Society of Philadelphia."
31. An Act authorizing the building of a lock-up house in Shippensburg, in the county of Cumberland.
32. A Supplement to an Act entitled "An Act authorizing the Governor to incorporate the Reading Water Company," passed the sixteenth day of March, Anno Domini, one thousand eight hundred and nineteen.
33. A Supplement to an Act entitled "An Act to authorize and empower the trustees of the Methodist Episcopal Church, in Perysville, Mifflin county, to convey certain real estate, and for other purposes," passed the 24th day of June, Anno Domini, 1839.
34. An Act authorizing the citizens of Newberry township, York county, to elect township settlers.
35. An act to incorporate the Gibson Academy at Summitville, in the township of Gibson, Susquehanna county.
36. An Act to incorporate the town of Newport, in the county of Perry, into a borough.
37. An act to incorporate the First Baptist Church of Newtown township, in the county of Delaware.
38. An Act to incorporate the Crispin Cemetery, in the county of Philadelphia.
39. An Act to establish the Juliet Academy and School for Teachers in the county of Erie,
40. An Act to provide for the erection of a house for the employment and support of the poor in the county of Greene.

No.

41. An Act to incorporate the Chester Library company, of Delaware county.
42. A Supplement to an Act entitled "An Act to incorporate the Columbia Academy, in the county of Lancaster, and for other purposes."
43. An Act to incorporate the English Evangelical Lutheran Church, in the city of Pittsburg.
44. A Supplement to an Act entitled "An Act relating to inspections."
45. An Act to re-establish the District Court for the city and county of Lancaster.
46. An Act repealing the Act authorizing the laying out of a State road leading from a point on the turnpike from York Haven, and to intersect the turnpike leading from York to Wrightsville, in York county, and for other purposes.
47. An Act to incorporate the Pennsylvania Hose Company.
48. An Act to authorize the opening and extending of Allen street, in the borough of Lawrenceville, and county of Allegheny.
49. An Act supplementary to an Act granting certain powers to the authorities of the city of Lancaster, and Philadelphia, and for other purposes.
50. A further Supplement to an Act entitled "An Act to graduate lands on which money is due and unpaid to the Commonwealth of Pennsylvania."
51. An Act to authorize John White, Edward Smith, and Andrew M'Clure, to convey certain real estate.
52. An Act to empower the Governor to return to the president, managers and company of the Bethany and Dingman's Choice turnpike road, certain certificates of stock received from said company, and to authorize suits to be brought for the recovery of the money paid for said stock.
53. An Act to improve the navigation of the Lehigh river, in the counties of Monroe and Luzerne.
54. An Act to confirm the sale of certain real estate in York county, and to vest certain authorities in John D. Thomas, trustee of Sophia H. E. Ash.
55. An Act to authorize the Governor to incorporate a company to make a turnpike road from the borough of Honesdale, in Wayne county, to intersect the Milford and Owego turnpike road in said county, at or near the house of William R. M'Lawrie, and for other purposes.

No.

56. An Act authorizing the Canal Commissioners to remove a certain building near the Columbia rail road, to prevent its destruction by fire from locomotive engines.
57. An Act authorizing Jacob Reinhart to erect a wing dam in the Susquehanna river.
58. An Act to extend the boundaries of the borough of Martinsburg, in Bedford county.
59. An Act for the better ascertaining and establishing the boundary line between the counties of Jefferson, Warren, Mc'Kean and Clearfield, and for other purposes.
60. An Act to authorize David Walton and Benjamin Swayne, assignees of Caleb Swayne, to convey certain real estate.
61. An Act to incorporate the Good Intent Hose Company of Philadelphia.
62. An Act to incorporate the society known by the name of the Baptist Church of Phoenixville, in Chester county, Pennsylvania.
63. An Act to incorporate the Lafayette Hose Company of Philadelphia.
64. A Supplement to an Act entitled "An act relative to the organization of the Courts of Justice," passed the fourteenth day of April, one thousand eight hundred and thirty-four.
65. An Act to incorporate the Edgeworth Ladies' Seminary, in the township of Ohio, in the county of Allegheny.
66. An Act to incorporate an Academy in West Alexander, in the county of Washington.
67. A Supplement to the Act to authorize the Governor to incorporate the Franklin and Emlenton Turnpike Road company, and for other purposes.
68. An Act to incorporate the Presbyterian Church of Bedford.
69. An Act incorporating the First Methodist Episcopal Church, in the city of Lancaster.
70. An Act re-vesting certain ground heretofore granted for the use of the Western Penitentiary, in its original contributors, and for other purposes.
71. An Act to confer on Samuel Keiper the rights and benefits of a child born in lawful wedlock.
72. An Act to incorporate the Presbyterian Congregation of Cross Roads, in the township of Pine, in the county of Allegheny.
73. An act to attach an island, called "Todd's Island," to the county of Armstrong, to be included in the borough of Freeport.

No.

74. An Act to incorporate the Dimocksville Library Company, of Susquehanna county.
75. A Supplement to an Act entitled "An Act to incorporate the town of Brownsville, in the county of Fayette, to increase the powers of the Chief Burgess, and for other purposes."
76. An Act to extend the time for completing the Philadelphia and Reading rail road.
77. An Act to incorporate the Frankford Academy, in the county of Beaver.
78. An Act to incorporate the Kensington Institute for Literary and Scientific purposes, of Philadelphia county.
79. An Act to encourage more effectually the destruction of wolves and panthers in the counties of Luzerne, Susquehanna, Wayne, Pike, Jefferson, M'Kean, Tioga, Potter, Bradford and Monroe, and for other purposes.
80. An act to incorporate the Citizens' Mutual Insurance Company of Pennsylvania.
81. An Act to incorporate the Lycoming County Mutual Insurance Company.
82. An Act to incorporate the Eagle Fire Company of the borough of Erie.
83. An Act changing the names of Edward Smith and Isaac Handy Smith, to Edward Smith Handy and Isaac Smith Handy.
84. A Supplement to the Act entitled "An Act to vest in Amelia Matthews, a certain escheated estate, and for the sale and conveyance of certain Real Estate," passed the first day of April, one thousand eight hundred and thirty-five.
85. A Supplement to an Act entitled "An Act regulating election districts, and for other purposes," passed the first day of April, eighteen hundred and thirty-six.
86. An Act for the relief of John Brown and others, soldiers and widows of soldiers of the Revolutionary and Indian wars.
87. An Act to provide for the erection of a house for the employment and support of the poor of the county of Lehigh.
88. An Act to enable the Philadelphia society for the establishment and support of Charity Schools, to ordain certain by-laws for the government of the said society.
89. An Act to incorporate the Pottstown Female Seminary.
90. An Act to incorporate the Westmoreland county Lyceum and Museum of Natural History.

No.

91. A Supplement to the Act entitled "An Act regulating lateral rail roads."
92. An Act to incorporate the Anville Academy, in the county of Lebanon.
93. An Act to alter and amend the Act incorporating the Society of Equal Rights of Carlisle, Pennsylvania.
94. An Act authorizing a review of part of the Emlenton and Centreville State Road, and for other purposes.
95. A further Supplement to an Act to authorize the printing and distribution of the Pamphlet Laws in the German language.
96. A Supplement to an Act entitled "An Act to authorize the Governor to incorporate a company to erect a bridge over the north-east branch of the Susquehanna river, at or near the village of Athens, in the county of Bradford."
97. An Act to incorporate the Adams county Mutual Insurance company.
98. An Act appointing commissioners to lay out a State road from Emlenton, in Venango county, to Collensburg, in Armstrong county, and for other purposes.
99. A Supplement to the act, passed the twenty-ninth day of March, Anno Domini, one thousand eight hundred and twenty-four, entitled an act to prevent the destruction of timber, and supplementary to the act entitled an act to prevent the damages which may happen by firing woods, passed the eighteenth of April, one thousand seven hundred and ninety-four.
100. An Act to enable Samuel Murdock, Isaac Reeves and John Black to connect Hog Island, in the county of Delaware, with the main land.
101. An act to annul the marriage contract of William Drayton, and Anne, his wife.
102. An Act to incorporate the Independent Church of Gettysburg, and for other purposes.
103. An Act to incorporate a company in the borough of Bedford, to be called the United States Fire Company of Bedford.
104. An Act to incorporate the Hellertown company for the insurance of the lives of horses, and the detection of horse thieves.
105. An Act to incorporate the town of Edinboro', in the county of Erie, into a borough.
106. A further Supplement to "An Act to enable the Governor to incorporate a company for making an artificial road by the best and nearest route from the borough of Sunbury, in the county of Northumberland, to the borough of Reading, in the county of Berks, and for other purposes."

- No.
107. A further Supplement to "An Act for acknowledging and recording of Deeds."
 108. An Act to incorporate the St. Paul's Roman Catholic Orphan Asylum, of the city of Pittsburg.
 109. An Act authorizing the Commissioners of Berks county to borrow money, and for other purposes.
 110. A Supplement to an act entitled "An Act authorizing the Governor to incorporate a company to make a turnpike road from the borough of Birmingham, in St. Clair township, Allegheny county, to a point at or near Samuel Hamilton's mill, in Mifflin township, in said county, and for other purposes," passed thirty-first day of March, Anno Domini, one thousand eight hundred and thirty-six.
 111. An Act to incorporate the Cattle, Life, and Farmers' Fire Insurance Company.
 112. An Act to authorize the issuing of new certificates of State stock, in lieu of certificates lost or destroyed.
 113. A Supplement to An Act entitled "An Act to provide for the erection of a house for the employment and support of the poor in the county of Adams, and for other purposes."
 114. An Act to repeal the loan privileges, and to grant insurance privileges to the Southern Loan Company of Philadelphia.
 115. An Act to revive and continue in force certain sections of an Act entitled "An Act regulating election districts, and for other purposes," passed the sixteenth day of June, one thousand eight hundred and thirty-six.
 116. An act for better securing the payment of ground rents.
 117. An Act to incorporate the Lehigh Company for the insurance of the lives of horses and the detection of horse thieves, and for other purposes.
 118. An act for the relief of Aaron Wright and others, soldiers and widows of soldiers of the revolutionary and Indian wars.
 119. An Act to incorporate the First Universalist Church of the city of Pittsburg.
 120. An act to authorize Caroline Stocker, widow of John Clements Stocker, deceased, to sell and convey certain real estate.
 121. An act to incorporate the Bernville Academy of Berks county.
 122. An Act to incorporate the Wysox Academy.
 123. An act to extend the charter of the Wyoming bank, at Wilkes-barre.

No.

124. An Act to incorporate the Freewill Baptist and Congregational Church of Jackson township, Susquehanna county.
125. An act to authorize the trustees created by the last will and testament of John Donaughey, deceased, to invest the moneys belonging to the estate of the decedent, and for other purposes.
126. An act to amend an act, entitled an act to authorize the administrators of Henry Mineum, late of Crawford county, deceased, to sell and convey certain real estate, and for other purposes, passed the second day of July, Anno Domini, one thousand eight hundred and thirty-nine, and for other purposes.
127. An act for the extension of a State road, from the Virginia state line, near the town of Blacksville, to the town of Waynesburg, in Greene county, and for other purposes.
128. An act relative to County Auditors, and for other purposes.
129. An act making compensation to William McCoy and William C. Leavensworth, for expenses incurred and services rendered as agents for the commonwealth, in discovering lands late the estate of John Nicholson and Peter Baynton, and on which the commonwealth has a lien.
130. An act to confer on George, Polly, Susan, Elizabeth and Peggy Strohl, and Marinda Wurtz, the rights and benefits of children born in lawful wedlock, and for other purposes.
131. An act declaring the Streets, Lanes and Alleys, in the town of Bloomsburg, in Columbia county, public highways, and authorizing the election of an additional supervisor, and for other purposes.
132. A supplement to an act entitled "an act providing for the election of Aldermen and Justices of the Peace, passed the twenty-first day of June, eighteen hundred and thirty-nine."
133. An act relating to the election of School Directors, and to grant insurance privileges to the Mechanic's and Tradesman's Loan company of the state of Pennsylvania, and for other purposes.
134. An act to incorporate the Mount Vernon academy, and for other purposes.
135. A further supplement to the act entitled "An act authorizing the Governor to incorporate the York Water company," passed the eighth day of February, one thousand eight hundred and sixteen.
136. An act to incorporate the city of Allegheny.
137. An act to incorporate the German Convention, for promoting education.

No.

138. A further supplement to the act incorporating the Sunbury canal company.
139. An act to incorporate the Woodland Cemetery company of Philadelphia.
140. A further supplement to an act, entitled an act relating to Orphan's courts, passed the twenty-ninth day of March, one thousand eight hundred and thirty-two, and the supplement thereto, passed the fourteenth of April, one thousand eight hundred and thirty-five, and for other purposes.
141. An act to incorporate the President, Managers and Company of the Bustleton and Summerton Turnpike road company.
142. An act to incorporate the members of the Methodist Episcopal Church of the city of Pittsburg, Wesley Chapel station.
143. A further supplement to the act, entitled an act to enable the Governor to appoint Notaries Public, and for other purposes therein mentioned.
144. An act regulating Election Districts, and for other purposes.
145. A supplement to an act, entitled an act to incorporate a Turnpike road company, passed fourteenth February, eighteen hundred and thirty-eight, and for other purposes.
146. An act incorporating the Ebenezer Methodist Episcopal Congregation of the borough of Reading, and for other purposes.
147. An act to incorporate the Western Hose company of the city of Philadelphia.
148. An act to settle the estates of John Nicholson and Peter Baynton.
149. An act to establish an Academy at Centreville, in the county of Crawford.
150. An act for the relief of Elizabeth Habley and others, widows of soldiers of the Revolutionary and Indian wars.
151. An act to authorize the administrators of the estate of Washington E. Pettit, to make and execute a deed to John Rutan, and to incorporate the town of Millsborough, in Washington county, into a borough.
152. An act to incorporate the Lewisburg Academy, in Union county.
153. A further supplement to the act entitled, "An act to incorporate the Summit Coal company," passed the eighteenth day of March, Anno Domini, one thousand eight hundred and thirty-six.
154. An act to extend the charter of the Lancaster bank.

No.

155. An act to incorporate the Madison Academy, at Abington Centre, in the county of Luzerne.
156. An act to incorporate the Wrightsville Academy, in the county of York.
157. An act to incorporate the Danville Rail Road company.
158. A supplement to an act incorporating the borough of Doylestown, in the county of Bucks, passed the sixteenth of April, Anno Domini, eighteen hundred and thirty-eight, and for other purposes.
159. An act to incorporate the Mifflinburg Fire company of Union county, and for other purposes.
160. An act to incorporate the President, Managers and Company of the Loyalsock Gap Turnpike road company.
161. An act relating to Executions, and for other purposes.
162. A further supplement to the act, entitled "an act to incorporate the Norristown Insurance company of Montgomery county," passed the eleventh day of March, one thousand eight hundred and thirty-four.
163. An act to incorporate the Honeybrook Presbyterian church of the village of Waynesburg, in Chester county, and for other purposes.
164. An act incorporating the Methodist Episcopal church of Milford, Pike county.
165. A supplement to an act, entitled an act for the organization of a new county from parts of Venango and Armstrong, to be called Clarion, passed the eleventh day of March, 1839, and for other purposes.
166. An act to incorporate the Jonestown Academy.
167. An act supplementary to the acts regulating Hawkers and Peddlers.
168. An act to incorporate the Huntingdon Female Seminary, in the borough of Huntingdon, in the county of Huntingdon.
169. A supplement to an act to authorize the Governor to incorporate a company to make a Canal Navigation round the western abutment of the Permanent bridge, over the river Schuylkill, at Philadelphia.
170. An act to incorporate the Muncy Female Seminary.
171. An act to incorporate an Academy at Lock Haven, in Clinton county.

No.

172. An act supplementary to an act, passed the sixteenth day of April, one thousand eight hundred and thirty-eight, entitled an act supplementary to the resolution relative to the claim of Bro. n and Sawyer, passed the thirty-first day of March, one thousand eight hundred and thirty-six, and for other purposes.
173. A further supplement to the act, entitled "An act to incorporate the Miners bank of Pottsville, in Schuylkill county, passed February seven, Anno Domini, one thousand eight hundred and twenty-eight."
174. An act supplementary to an act, entitled an act to incorporate the Spring Garden Fire Insurance company, of the county of Philadelphia, passed the fifteenth day of April, eighteen hundred and thirty-five.
175. An act to annul the marriage contract of George Lyman, with Julia Ann his wife.
176. An act relative to the Warren Bridge company.
177. An act supplementary to the act, entitled "An act limiting the time during which judgments shall be a lien on real estate, and suits may be brought against the sureties of public officers."
178. An act to incorporate the Mutual Fire Insurance company of Chester county.
179. An act to revive and keep in force the sixth, seventh, eighth, ninth and tenth sections of an act, passed the twenty-fifth day of March, Anno Domini, one thousand eight hundred and thirty-nine, entitled an act to authorize the Governor to incorporate the President, Managers and Company of the Centreville and Donegal Clay Turnpike Road company, and for other purposes.
180. An act to incorporate the Jenkinstown Lyceum, and for other purposes.
181. A further supplement to the act of the thirteenth June, one thousand eight hundred and thirty six, entitled "An act to consolidate and amend the several acts relative to a general system of Education by Common Schools, and for other purposes."
182. An act to incorporate the Methodist Episcopal church, in Pottstown, in the county of Montgomery.
183. An act to incorporate the Perrysville Bridge company.
184. A supplement to the act, entitled "An act incorporating the town of Pottsville, in Schuylkill county, into a borough."

No.

185. An act to authorize the Governor to contract with the corporation of the borough of Harrisburg, for supplying the public buildings with water, and for other purposes.
186. An act to incorporate the New Castle Mutual Insurance company of Mercer county.
187. A supplement to the act, entitled "An act changing the time for holding special courts in the fourteenth judicial district, and for other purposes," passed the sixth day of June, one thousand eight hundred and thirty-nine, and for other purposes.
188. An act to incorporate an Academy in the township of Abington, Montgomery county.
189. An act to authorize the Governor to incorporate the Pottsville and Tuscarora Railroad company.
190. An act to authorize Charles J. Davis, of Chester county, to sell and convey certain real estate, in Pennsylvania.
191. An act to annul the marriage contract of Robert Anners, and Mariha his wife.
192. An act relative to the sixth and eighteenth Judicial Districts, and regulating the times of holding courts in the counties of Venango, Warren and Clarion.
193. An act to incorporate the East Whiteland Presbyterian church, in Chester county.
194. An act to establish an Academy in the borough of Hamburg, in the county of Berks.
195. An act to annul the marriage contract of John Zuercher, and Magdalena Zuercher his wife.
196. An act to incorporate the Pioneer Fire company, in Marietta.
197. An act to incorporate the Southwark Fire Engine company of Philadelphia.
198. An act to incorporate the Union Library company of Upper Dublin, in the county of Montgomery.
199. An act to incorporate the Neptune Hose company.
200. An act to incorporate the First Methodist Episcopal church in Smithfield township, Bradford county.
201. An act incorporating the First Presbyterian church and congregation in Mount Joy, Lancaster county, and for other purposes.
202. An act to incorporate the French creek Bridge company.
203. An act to incorporate the President and Managers of the Armstrong, Jefferson and Clearfield Turnpike road company.

No.

204. An act to extend the charter of the Lebanon bank.
205. An act to annul the marriage contract of Jacob Thayer, and Purnel Thayer.
206. An act to incorporate the village of Lock-Haven, in the county of Clinton, into a borough.
207. A supplement to the act entitled "An act to enable the Governor to incorporate a company for making an artificial road, beginning at the intersection of Vine and Tenth streets, Philadelphia, and thence to Perkiomen Bridge, in the county of Montgomery," passed March thirtieth, eighteen hundred and eleven."
208. An act to authorize the trustees of the Central Savings Association of Philadelphia, to sell and convey certain real estate, and for other purposes.
209. An act to incorporate the Luzerne county Mutual Insurance company, and for other purposes.
210. An act to erect the town of South Easton, in the county of Northampton, into a borough, and for other purposes.
211. A further supplement to an act entitled "An act authorizing the Governor to incorporate the Mill Creek and Mine Hill Navigation and Rail Road company," passed February seventh, eighteen hundred and twenty-eight.
212. An act authorizing the laying out of certain State Roads, and for other purposes.
213. A supplement to the act entitled "An act authorizing the Governor to incorporate a company to erect a bridge over the Monongahela river, at the borough of Birmingham, in the county of Allegheny, with power to construct a turnpike road from the south end of Denman street, in said borough, to intersect the Monongahela and Coal Hill Turnpike road," passed the third day of April, one thousand eight hundred and thirty-seven, and for other purposes."
214. An act to incorporate the Bradford Rail Road and Coal company.
215. An act to incorporate the Franklin Cemetery company, in the township of the Northern Liberties, county of Philadelphia, and for other purposes.
216. An act to incorporate the Middlefield Coal company.
217. An act relating to the evidence of the publication of Ordinances of the borough of Carlisle and Meadville, and for other purposes.

No

218. An act to incorporate the town of Zeilenople, in the county of Butler, into a borough.
219. An act to incorporate the Northern Liberties Hose company of the county of Philadelphia, and for other purposes.
220. An act to incorporate the Susquehanna Coal company.
221. An act to incorporate the society known by the name of the Methodist Episcopal Church, in the town of Danville, Columbia county, and for other purposes.
222. An act to incorporate "the Pine Creek Coal company."
223. An act for the incorporation of the Brighton Institute of Classical, Mathematical, and Natural Science, at New Brighton, Beaver county, Pennsylvania.
224. An act to extend the charter of the Philadelphia Ice company.
225. A further supplement to the acts concerning Writs of Partition.
226. An act to incorporate the Williamsport Bridge company, in the county of Lycoming, and for other purposes.
227. An act to incorporate the trustees and stockholders of Clinton Academy, in the township of Pine Creek, in the county of Clinton.
228. A further supplement to the act entitled "An act incorporating the Raush Creek Rail Road company," passed April second, one thousand eight hundred and thirty-one.
229. An act to incorporate the Saint Patrick's Beneficial Society of Port Carbon, in the county of Schuylkill, and for other purposes.
230. An act to incorporate the Williamsport Mutual Insurance company, in the county of Lycoming.
231. An act to incorporate the Stockholders of the Mineral Spring, of Berks county.
232. An act to create additional revenue to be applied towards the payment of interest, and the extinguishment of the debts of the Commonwealth.
233. An act to incorporate the Victor Fire Engine company, in Sheafertown, Lebanon county.
234. An act to authorize the Governor to incorporate the Great Island Bridge company.
235. An act to incorporate the Town of Schuylkill Haven, in the county of Schuylkill, into a borough.
236. An act to incorporate the President and Managers of the Rimmersburg and Mahoning Turnpike road company.

No.

237. An act to equalize the Rates of Toll and Transportation on the York and Maryland Line, and Baltimore and Susquehanna Rail Roads.
238. An act incorporating the Youghiogheny Insurance Company, at West Newton, in the county of Westmoreland.
239. An act relative to certain taxes in the counties of Centre, Lycoming and Clinton, and for other purposes.
240. An act to incorporate the members of the Tamaqua Union Church and School House, of the county of Schuylkill.
241. An act extending the charter of the York county Manufacturing company.
242. An act to provide for continuing the improvements of the State, and for the payment of the interest on the public debt.
243. An act to incorporate a Female Seminary, in Landisburg, Perry county, and for other purposes.
244. An act for the relief of Samuel McCall, and others, soldiers and widows of soldiers of the Revolutionary war.
245. An act to incorporate the town of Harmony, in the county of Butler, into a borough.
246. An act to incorporate the New Brighton Female Seminary, in the county of Beaver.
247. An act to incorporate an Academy at Clarion, in Clarion county.
248. An act to incorporate St. Peters' Church, in the borough of Uniontown, Fayette county.
249. An act to incorporate the Lutheran and German Reformed Church, at Wellersburg, in Somerset county.
250. An act to create a new division, to be called the Seventeenth division of the Pennsylvania Militia.
251. An act regulating Election Districts, and for other purposes.
252. An act to promote the culture and manufacture of Silk, and for other purposes.
253. An act to incorporate a company in the borough of New Castle, to be called the New Castle Fire company, in the county of Mercer, and for other purposes.
254. An act to authorize the Lewisburg and Jersey Shore Turnpike Road and Bridge company, to erect gates and receive tolls, and for other purposes.
255. An act authorizing the building of a Lock-up House, in the borough of Hamburg, in the county of Berks, and for other purposes.

No.

256. A supplement to an act entitled "An act relating to the elections of this Commonwealth," passed the second day of July, Anno Domini, one thousand eight hundred and thirty-nine, and for other purposes.
257. A further supplement to an act, entitled "An act providing for the election of Aldermen and Justices of the Peace," passed twenty-first June, one thousand eight hundred and thirty-nine, and for other purposes."
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RESOLUTIONS

PASSED AT THE SESSION OF 1838-'9.

54. Resolution for the relief of the Somerset and Conemaugh Turnpike Road company.
55. Resolution relative to the claim of William A. Lloyd, for services rendered as the Commonwealth's agent, in discovering the lands, late the estate of John Nicholson and Peter Baynton, and in which the Commonwealth has a lien.
56. Resolution for the relief of the Monongahela Bridge company.
57. Resolution authorizing the settlement and payments of certificates or scrip, issued by John Forseman, late Supervisor of the Delaware Division of the Pennsylvania canal.

PASSED AT THE SESSION OF 1840.

1. Resolution authorizing the payment of the claim of Samuel R. Richards.
2. Resolution extending the time for the settlement of the accounts of commissioners for improving the State Road, in Wayne county, from Caukin's to the Delaware river, appointed by an act passed the fourteenth day of April, eighteen hundred and thirty-eight.
3. Resolution relative to the election in the city of Lancaster.

No.

4. Resolution requiring the settlement of the accounts of the Paymaster General of the Volunteers, in the service of the Commonwealth, in December, eighteen hundred and thirty-eight.
5. Resolution relative to the State Library.
6. Resolution relative to the election in the Borough of West Greenville.
7. Resolution authorizing the appointment of a Manager, on the part of the State, in the Johnstown and Ligonier Turnpike Road company.
8. Resolution for the relief of the representatives of the late James S. Stevenson.
9. Resolution granting aid to the Doylestown and Willow Grove Turnpike Road company.
10. Resolution erecting the borough of Middletown, in the county of Dauphin, into a separate election district, and for other purposes.
11. Resolution for the relief of Bernard Connelly.
12. Resolution relative to the Election of Borough Officers in the boroughs of Harrisburg and Carlisle.
13. Resolution for the relief of George Mason.
14. Resolution relative to the West Philadelphia Rail Road company.
15. Resolution providing for the resumption of Specie Payments by the banks, and for other purposes.
16. Resolution legalizing certain Elections held in Tioga county.
17. Resolution providing payment for Judge Advocates of Courts Martial, and for other purposes.
18. Resolution authorizing the payment of the claims of Jackson McFadden, and for other purposes.
19. Resolution authorizing the Commissioners of the county of Clinton, to borrow a sum of money, and for other purposes.
20. Resolution relative to certain undrawn balances in the School Fund.
21. Resolution relative to contingent expenses in Land office.
22. Resolution making an appropriation to erect a bridge over the West Branch of the Susquehanna, at Karthaus.
23. Resolution authorizing Rebecca H. Duncan, Thomas Duncan, and Benjamin S. Duncan, to pass the bridge at Duncan's Island, free of toll, and for other purposes.
24. Resolutions relative to the Public Buildings and Public Grounds.

No.

25. Resolution to authorize the Directors of the Poor and of the House of Employment of the county of Northampton, to sell and convey real estate, and administer oaths, and to authorize the School Directors of the borough of Easton, in said county, to fix the minimum age at which children in said borough shall be admitted into the common schools, and for other purposes.
26. Resolution to provide for the expenses of Government.
27. Resolution authorizing the payment of the claim of Reuben Winslow, of Chester county.
28. Resolution for the relief of Okey Hendrickson, attorney in fact for George McDowell, and for other purposes.
29. Resolution relative to the Common Schools in the city of Lancaster, and for other purposes.
30. Resolution relating to the Philadelphia Silk Culture and Manufacturing company, and for other purposes.
31. Resolution relative to James Lyon, and for other purposes.
32. Resolution relative to certain officers in Potter county, and for other purposes.
33. Resolutions relative to the Birmingham and Elizabeth Turnpike road, and for other purposes.
34. Resolution to enable the Arbon Coal company, to borrow money.
35. Resolution relative to the payment of the Troops called to Harrisburg, in December, eighteen hundred and thirty-eight.
36. Resolution relative to the claim of Amos Addis.
37. Resolution relative to the Whites Haven and Clifton Turnpike Road company.

[No. 203.]

A N A C T

To incorporate the Mount Carmel Cemetery Company, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That John Richardson, James S. Pringle, Company in- Robert Bell, William L. Newbold, Ebenezer Mustin, Sansom corporated. W. Trotter and William A. Budd and their successors, shall be and they are hereby declared a body corporate, by the name, style and title of the "Mount Carmel Cemetery Com- Name. pany," and by that name shall have perpetual succession; shall be capable in law to purchase, hold and dispose of property; to have and use a common seal; to sue and be sued; to plead and be impleaded, and to do all such other things as are incident to a corporation.

SECTION 2. This corporation shall be authorized and em- Privileges. powered to purchase (by and with the consent of its owners,) the lot of ground on the north side of the Columbia rail road, bounded by said rail road by Landing street, by Poplar street, by Minor street, and by Manor street, or so much thereof as they think proper, not exceeding thirty acres, and the same to hold, lay out in suitable lots and walks, improve, ornament and sell, and shall make such by-laws, rules and regulations re- By-laws. lative thereto, as they may deem proper and needful.

SECTION 3. The affairs of this corporation shall be under Managers, the control and management of seven managers, who shall how elected. be elected by members in such manner, and at such times, as the by-laws made in pursuance of this act, shall specify.

NOTE.—The ten next following acts from No. 203, to No. 212, inclusive, and the four resolutions printed in this volume, from No. 53 to No. 57, inclusive, were passed by both branches of the Legislature, at the session of 1838-'9, but were not signed by the Governor in time to be printed with the laws of that session.

L A W S

OF

P E N N S Y L V A N I A .

[No. 203.]

A N A C T

To incorporate the Mount Carmel Cemetery Company, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That John Richardson, James S. Pringle, Company in- Robert Bell, William L. Newbold, Ebenezer Mustin, Sansom corporated. W. Trotter and William A. Budd and their successors, shall be and they are hereby declared a body corporate, by the name, style and title of the "Mount Carmel Cemetery Com- Name. pany," and by that name shall have perpetual succession; shall be capable in law to purchase, hold and dispose of property; to have and use a common seal; to sue and be sued; to plead and be impleaded, and to do all such other things as are incident to a corporation.

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SECTION 3. The affairs of this corporation shall be under Managers, the control and management of seven managers, who shall how elected. be elected by members in such manner, and at such times, as the by-laws made in pursuance of this act, shall specify.

Not to vacate
or obstruct
roads, &c.

SECTION 4. That no street or road, laid out and corresponding with the survey of the districts in which it is located, shall be vacated, nor shall any street or road that may hereafter be authorized, be prevented from passing through said premises.

WM. HOPKINS,
Speaker of the House of Representatives.
CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—The eleventh day of October, eighteen hundred and thirty-nine.

DAVID R. PORTER.

[No. 204.]

AN ACT

To incorporate the Mutual Insurance Association of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That from and after the passage of this act, Jonathan Palmer, George Merrill, James T. Furness, George W. Lord, Abel Wyman, Isaac R. Smith, Solomon Alter, and all other persons who may hereafter associate with them in the manner herein after prescribed, shall be, and they are hereby erected a body corporate and politic, by the name and style of the "Mutual Insurance Association of Philadelphia," and by that name shall be capable by law, to take, hold and dispose of the estates and securities mentioned in this act, and to sue and be sued, implead and be impleaded, and to receive and make all deeds, transfers, contracts, covenants and conveyances whatsoever, and to make, have and use a common seal, and the same to alter and renew at pleasure, and generally to do every other act or thing necessary to carry into effect the provisions of this act, and to promote the objects and design of the said corporation. The objects and design of the said corporation, shall be

Corporators.

Name and
title.

Corporate
powers.

I. To make insurance on dwelling houses, shops and other buildings, household furniture, merchandize and other property against loss or damage by fire. Pow'r to make insurance on houses, &c.

II. To make marine insurance upon vessels, goods, wares and merchandize, and freight, and to make all and every insurance appertaining to or connected with marine risks; and also to make insurance against losses by fire or by water, on goods, wares, merchandize and effects, transported on rivers, canals, or rail roads, by steam boats or wagons, in canal boats or cars. Marine insurance.

SECTION 2. All persons who shall hereafter insure with the said corporation, and also their executors, administrators and assigns, continuing to be insured in said corporation as hereinafter provided, shall thereby become members thereof during the period they shall remain insured, and no longer. Insured to be members.

SECTION 3. All the corporate powers of the said company shall be exercised by a board of trustees to be chosen by the members of the said corporation at their first meeting, a plurality of votes constituting a choice, and such other officers and agents as the said board may appoint. The board of trustees shall consist of fifteen persons, all of whom must be citizens of this State. They shall elect a president annually, who shall be a member of this corporation, and they shall have power to declare by a by-law, what number of trustees, not less than one-third of the whole, shall be a quorum for the transaction of business. Trustees. To elect President.

SECTION 4. The persons named in the first section of this act, shall have power to call the first meeting of the members of the said corporation, for which they shall give ten days notice by advertisement, in two daily newspapers, printed and published in the city of Philadelphia. Notice of meeting.

SECTION 5. The trustees shall at their first meeting, divide themselves by lot into three classes, of five each. The term of the first class shall expire at the end of one year; the term of the second class shall expire at the end of two years; the term of the third class shall expire at the end of three years, and so on successively, each and every year. The seats of these classes shall be supplied by the members of this corporation, a plurality of votes constituting a choice. This section shall not be construed to prevent a trustee going out, from being eligible as a new trustee. Classification of trustees.

SECTION 6. Every person who shall become a member of this corporation, by effecting insurance therein, shall the first time he effects insurance, and before he receives his policy, pay the rates that shall be fixed upon and determined by the trustees, and no premium so paid shall ever be withdrawn from said company, during the continuance of its charter. Premium paid not to be withdrawn.

SECTION 7. It shall be lawful for the said corporation to invest the said premiums in the securities designated in the following sections, and to sell, transfer and change the same, Incorporation to invest premiums.

and re-invest the funds of said corporation, when the trustees shall deem expedient.

Premiums
how invested.

SECTION 8. The whole of the premium received for insurance by said corporation, except as provided for in the following sections, shall be invested in bonds and mortgages on unincumbered real estate, within the State of Pennsylvania. The real property to secure such investment of capital, shall in every case be worth fifty per cent more than the sum secured thereon.

SECTION 9. The trustees shall have power of investing a portion of certain portion of the premium received, not to exceed one-third part thereof in public stocks of the United States, or of this State, or of any city, county, district or company incorporated by this State.

Balance to be
struck annually.

SECTION 10. The officers of said company, at the expiration of one year, from the time that the first policy shall have been issued and bear date, and within one fortnight thereafter, and during the first fortnight of every subsequent year, shall cause a balance to be struck of the affairs of the company, in which they shall charge each member with a proportionate share of the losses of said company, according to the original amount of premium paid by him; but in no case shall such share exceed the amount of such premium. Each member shall be credited with the amount of said premium, and also with an equal share of the profits of the said company, derived from investments in proportion to the said amount.

Yearly statements to be
made.

SECTION 11. On some day in the first fortnight, after the expiration of the first year from the time when the said company shall issue their first policy, and within the first fortnight of every subsequent year, the officers of the said company shall cause to be made and printed, a general balance statement of the affairs of the said company, which shall contain

Of premiums
received.

I. The amount of premiums received during the previous year, specifying what amount was received on fire risks, and what on marine risks, and what on inland risks.

Of expenses.

II. The amount of the expenses of the said company, during the year.

Of losses.

III. The amount of losses incurred during the year, specifying what amount of losses have been incurred on fire risks, and what on marine risks, and what on inland risks.

Balance remaining.

IV. The balance remaining with the said company.

Nature of investments.

V. The nature of the security on which the same was invested, specifying what amount is invested in real security in the city of Philadelphia; what on real security out of the city of Philadelphia; what in stocks, and what amount of cash is on hand. A printed copy of this statement shall be delivered to each member on request, and the said statement shall be printed daily, for one week during the first fortnight of each year, as aforesaid, in two daily papers in the city of Philadelphia.

SECTION 12. Suits at law may be prosecuted and maintained by any member, against said corporation, for losses or damage insured against, by them. If payment is withheld more than sixty days after the company is duly notified of such losses: and no member of the corporation not being in his individual capacity, a party to such suit shall be incompetent as a witness. Suits, how prosecuted and maintained.

SECTION 13. The operations and business of the corporation shall be carried on, at such place in the city of Philadelphia, as the trustees shall direct, and not elsewhere. To transact business in Philadelphia.

SECTION 14. No policy shall be issued by said company, until application shall be made for insurance for one hundred thousand dollars. No policy to issue till application for insurance on \$100,000.

SECTION 15. The legislature shall have power at any time hereafter to repeal, alter or modify this act or any of its provisions, in such manner, however, that no injustice shall be done to the corporators. Legislature may annul.

SECTION 16. This act shall take effect immediately after its passage, and continue in force for the period of twenty years, and no longer. Legislature may annul.

WM. HOPKINS,
Speaker of the House of Representatives.
CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—The eleventh day of October, eighteen hundred and thirty-nine.

DAVID R. PORTER.

[No. 205.]

A N A C T

For the improvement of the navigation of the Big Bushkill creek.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:* That the sum of five thousand dollars, be and the same is hereby appropriated to the improvement of the navigation of the Big Bushkill creek, in the counties of Monroe and Pike, to be paid out of any unappropriated moneys \$5,000 appropriated.

Commission- in the treasury, and George Nyce, of Pike county; Barney
ers. Decker and Jeffry Wells, of Monroe county, are hereby ap-
pointed commissioners to expend the said money on the said
improvement, in the most judicious and proper manner.

SECTION 2. And the said commissioners, before they receive
the said money, shall give security to the satisfaction of the
court of common pleas of Monroe county, for the due and pro-
per execution of the trust reposed in them by this act, and shall
account before the said court, for the moneys expended by
them, from time to time, whenever thereunto required by the
said court.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The eleventh day of October, eighteen hundred
and thirty-nine.

DAVID R. PORTER.

[No. 206.]

A SUPPLEMENT

To an act entitled "An act to incorporate and endow the Pennsylvania
Institution for the instruction of the Blind."

SECTION 1. *Be it enacted by the Senate and House of Re-
presentatives of the Commonwealth of Pennsylvania in Gen-
eral Assembly met, and it is hereby enacted by the authority
of the same:* That the annual appropriation of two hundred
dollars, which is now directed by law, to be paid to the Penn-
sylvania Institution for the instruction of the Blind, for each in-
digent pupil of this commonwealth, instructed and maintained
therein, be continued for the period of six years, from the first
day of March, Anno Domini, eighteen hundred and forty, un-
der the limitations and restrictions as to the amount to be an-
nually drawn from the State Treasury, and the time during
which each of such pupils may be instructed and maintained,
as are now provided by law.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—This eleventh day of October, Anno Domini,
eighteen hundred and thirty-nine.

DAVID R. PORTER.

[No. 207.]

A N A C T

To incorporate the Penn township Cemetery Association.

WHEREAS, The practice of burying in populous cities is deemed unhealthy to the inhabitants, and is becoming more objectionable, and more burdensome and expensive to the community, by reason whereof, it is thought expedient to make further provision for the decent respect which is due to the dead, that it may be free from the inconveniences above mentioned, which are more particularly onerous to the poor, and those in moderate circumstances. Preamble.

And whereas, Several citizens of this commonwealth have associated for the purpose of establishing a Cemetery, in Penn township, in the county of Philadelphia, intending that about twenty acres of land, lying on 'Turner's lane, now belonging to William Loyd, at the distance of about one quarter of a mile westwardly from the Ridge turnpike road, shall be used only for the purposes of interment, and for buildings appropriate and convenient for a cemetery, and have desired that they and their successors may be incorporated for establishing such cemetery, with such powers as are necessary for such object :

And whereas, It seems reasonable and necessary to provide for the permanence of the establishment, so that those who bury there, may be assured of continued protection to the remains of relatives and friends, who have been committed to the earth, and of the decent preservation of the ground.

Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Daniel N. Brodhead, William Loyd, John Leadbeater, Jr. Charles Bender, James M'Clintock, John Lindsay, and their associates and their successors, be and they hereby are made a body corporate and politic in law, under the name, style and title of the "Penn township Cemetery Association," and by that name shall be able and capable in law, to have and to use a common seal; to sue and be sued; plead and be impleaded, and to do all such other things, as are incident to a corporation. Corporators.

SECTION 2. That the said corporation shall as soon as convenient, upon ten days public notice being given, in two or more daily papers of the city of Philadelphia, by any three of the above named persons elect, such a number of the members of said association to be managers thereof, as they shall deem Name, style and title.
Notice and election of managers.

convenient, not exceeding five, who shall serve for one year, and until another election shall be made of like number in their places, at such time and place as shall be determined on by the said association ; and said association shall have power, (first having the consent of the owner or owners thereof,) to lay out and ornament the grounds above mentioned ; to erect proper buildings ; to arrange and dispose of burial lots, and to make such by-laws, rules and regulations relative to the election and duties of managers, and their successors : The appointment of suitable officers and agents, their several duties and compensations, and to make such rules and regulations from time to time, for the government of lot holders and visitors to the cemetery, as they may deem necessary: *Provided*, That the ground to be appropriated under this act, shall in no case exceed twenty-one acres.

Privileges and
by-laws.

Appointment
of officers and
agents.

Proviso.

To hold real
estate.

Proviso.

No streets to
be laid out ex-
cept by con-
sent of corpor-
ation.

SECTION 3. That the said Penn township Cemetery Association shall be able and capable in law, to purchase and hold the said land, and to sell and dispose of the same : And also, to have and to hold, so much personal estate, and no more, as may be necessary for the purposes of this incorporation: *Provided*, That the lots granted by said association for burial lots shall not be used for any other purpose, and they shall be free from seizure, levy or sale, under or by virtue of any execution, against any grantee or grantees of said association for such purpose.

SECTION 4. That no streets or roads shall hereafter be opened through the lands of the said corporation, occupied as a burial ground, except those now laid out in regulating the streets in Penn township aforesaid, except by and with the consent of this corporation.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The eleventh day of October, eighteen hundred and thirty-nine.

DAVID R. PORTER.

[No. 208.]

A N A C T

To incorporate the Medical College of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same :* That Thomas S. Hewson, Thomas Harris, R. M. Huston, George W. Norris, Robert Bridges, H. Bond, C. D. Meigs, William Darrach, Rynell Coates, J. Brookfield, Joseph Warrington, Joseph Carson, F. Turnpenny, Franklin Bache, John Bell, Jacob Jeanes, J. T. Zorns, W. H. Gillingham, William D. Brinkle, Jacob Sharp, Thomas O. Goldsmith, N. Merseilles, H. D. Deitrick, David C. Skerriitt, J. M. Pugh, Dr. Robert E. James, D. M. M. Levis, Dr. Samuel Strohecker, Doctor Adam Schœner, J. N. Merseilles, Philip C. Donnely, Jesse W. Griffith, John Uhler, F. K. Morton, Dr. Abraham Helfenstein, Isaac Kline, Dr. Thomas H. Yardley, Benjamin F. Janney, Joseph Parrish, Isaiah R. Matlack, Nathaniel Hatfield, William B. Wood, Isaac Hays, Doctor Samuel Jackson, late of Northumberland county, Pennsylvania, Dr. William Gray, Doctor William C. M'Pherson, and their associates and successors, be and they are hereby made and created a body politic, and corporate in law, and in fact by the name and style of the "Medical College of Philadelphia," and by the same name shall have perpetual succession, and may sue and be sued; have a common seal; purchase and hold and convey, all lands and tenements, moneys, goods, chattels and effects; make all by-laws necessary or proper, for the uses of a Medical College and immediately connected therewith, not contrary to the constitution and laws of this commonwealth, and do all and every other matter and thing for the purposes of this act, which any corporation or body politic, may or can do.

Corporators.

Name, style
and title.

SECTION 2. The objects of the corporation hereby created, shall be to cultivate the science of medicine and all its collateral branches; to encourage the prolongation of the term of study, and the increase of the extent of preliminary knowledge, required of candidates for medical honors; to designate such courses of instruction as from time to time, may be deemed necessary, for the advancement of the science and the elevation of the medical character, and to examine and decide on the qualifications of candidates for medical degrees.

To cultivate
medicine and
all its branches.

SECTION 3. The officers of the said college, shall be a president; two vice-presidents; a corresponding secretary; a treasurer; a recording secretary, and such other officers as shall be provided for, by the by-laws, and said officers shall be

Officers.

To make by-laws. elected by the members of said corporation, at such times, in such manner, and for such terms, as shall be provided for by the by-laws : And said corporation shall have power to enact by-laws for the government, admission and expulsion of members : *Provided always*, That no organized faculty of professors or teachers, shall ever be established, by the authority of said college, unless some other collegiate institution or institutions, now or hereafter established within the city of Philadelphia, shall enact laws interfering with the attendance of any medical student, upon such course or courses of medical instruction, delivered by authority of such collegiate institution or institutions, as said student may prefer or select.

Proviso.

No organized faculty to be established.

Provided always, That no organized faculty of professors or teachers, shall ever be established, by the authority of said college, unless some other collegiate institution or institutions, now or hereafter established within the city of Philadelphia, shall enact laws interfering with the attendance of any medical student, upon such course or courses of medical instruction, delivered by authority of such collegiate institution or institutions, as said student may prefer or select.

Institution to confer degrees of bachelor of medicine.

SECTION 4. Said college shall have power to grant the degree of bachelor of medicine, to any such persons as shall have completed a course of study similar to that now usually required of candidates, for the degree of doctor of medicine, in other colleges, in this State.

To confer degree of doctor of medicine.

SECTION 5. Said college shall have power to grant the degree of doctor of medicine to any persons who shall have fulfilled the requisites hereinafter mentioned, with such others as from time to time, may be prescribed by the by-laws.

Candidates to be 21 years of age.

SECTION 6. Each candidate for the degree of doctor of medicine in said college, shall have attained the age of 22 years ; he shall have pursued the study of medicine for the term of at least three years, under the direction of one or more graduates

3 years pupils under a graduate or equivalent by attending lectures.

in medicine ; he shall have attended lectures in the city or county of Philadelphia, on each of the following branches, or on such sub-divisions thereof, as shall be deemed collectively equivalent thereto, delivered by lecturers recognized by said college, and shall have attended the same to the number of

Courses.

Anatomy.

Chemistry.

N. philosophy

Physiology &

Pathology.

Materia medi-

ea.

Pharmacy.

Therapeutics.

Institutes,

Surgery, Ob-

stetricks.

Medical Juris-

prudence.

Evidence

good charac-

ter.

Degrees to be

prescribed by

by-laws.

of four months. Anatomy, general and special, two courses ; Chemistry, one course ; Natural Philosophy, one course ; Physiology and Pathology, two courses ; Materia Medica and Pharmacy, two courses ; Special Therapeutics, two courses ; Institutes and Practices of Surgery, two courses ; Obstetricks, two courses ; Diseases of women and children, one course ; Medical Jurisprudence, one course. He shall also have pursued at least one course of dissections, under the directions of a teacher, recognized by the college, and shall have attended for at least one year, the practice of some hospital, containing not less than fifty beds, and in which clinical instruction is given. He shall also produce to the college, satisfactory evidence, that he possesses a good moral character.

SECTION 7. The degrees herein mentioned, shall be granted on such terms, and in such manner, as shall be prescribed by the by-laws, conformably to the foregoing section ; and all fees received from persons applying for degrees, shall be dis-

tributed and applied, in such manner as shall be directed by the by-laws.

SECTION 8. The legislature may at any time alter, amend or repeal the privileges hereby granted. Legislature may annul.

WM. HOPKINS,
Speaker of the House of Representatives.

CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—The eleventh day of October, A. D. eighteen hundred and thirty-nine.

DAVID R. PORTER.

[No. 209.]

A N A C T

Supplementary to an act entitled "An act to incorporate the subscribers to the Insurance Company of North America," and the supplements thereto.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the charter of the president and directors of the "Insurance company of North America," shall be perpetual; subject, nevertheless, to the right of the legislature, to alter, annul or repeal the same, whenever it may be deemed conducive to the interests of the State. Charter perpetual. Legislature may annul.

WM. HOPKINS,
Speaker of the House of Representatives.

CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—The eleventh day of October, eighteen hundred and thirty-nine.

DAVID R. PORTER.

[No. 210.]

A SUPPLEMENT

To an act entitled "An act for the relief and employment of the poor of the city of Philadelphia, the district of Southwark, and the townships of the Northern Liberties and Penn."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That so much of the act, to which this is a sup-

Power to
grant out-door
relief.

plement, as prohibits the granting of out-door relief in money, be and the same is hereby repealed; but no such relief shall be granted, unless a report from one of the visitors of the poor, as is now required by law, be first made; nor without the

By consent
of a majority
of the board of
guardians for
six months.

consent of a majority of the board of guardians at a stated meeting, and the ayes and noes taken thereon, and entered on the minutes: and no such relief shall be granted to any individual or family for a longer period than six months, but the said relief to any individual or family may at any time be renewed, for a like period, upon a report from a visitor, and the same proceedings had thereon as before. And the relief au-

Guardians
may suspend
relief.

thorized by this act, may at any time be suspended by the board of guardians, by a vote taken and entered in the manner before directed.

Appointment
of directors of
poor tax, re-
pealed.

SECTION 2. That so much of the said act as requires the appointment of directors of poor tax, and so much of that and all other acts, which prescribe the powers and duties of said directors, be and the same are hereby repealed; and for the relief, support and employment of the poor, and for the con-

Guardians au-
thorized to
borrow money
and make as-
sessment.

struction of wharves, basins, docks and piers, on the Schuyl-kill, front of the property belonging to the said guardians, the said guardians are authorized to borrow money, and to lay such rate or assessment, as may be necessary for said purposes: *Provided*, That the amount of such rate or assessment, shall not exceed the amount now authorized to be laid for the relief, support and employment of the poor.

Proviso.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The sixth day of January, A. D. eighteen hundred and forty.

DAVID R. PORTER.

[No. 211.]

A N A C T

Authorizing the laying out and locating a State Road, from Centreville, a point in Greene county, near the Virginia State line, to the town of Amity, in Washington county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Patrick M'Cullogh and Harmon S. Jones of the county of Greene, and Daniel Darragh, of Washington county, be and they are hereby appointed commissioners to view and lay out a State road from Centreville, a point in Greene county, near the Virginia state line, and from thence by the nearest and best route to the town of Amity, in Washington county. Commissioners to view, lay-out and mark the road. Route.

SECTION 2. That it shall be the duty of said commissioners respectively, or a majority of them, after taking and subscribing an oath or affirmation, before a justice of the peace, to perform the duties enjoined upon them by this act, with impartiality and fidelity; to carefully view the ground over which said road may pass, and to lay out the same as near to a straight line between the aforesaid points, as the nature of the ground and other important circumstances will permit, so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at crossing ravines and streams, when by a moderate filling or bridging the declination of said road, it may be preserved within that limit. Duties of commissioners.

SECTION 3. That it shall be the duty of said commissioners respectively, plainly and distinctly, to mark the ground on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties in this act enjoined. The commissioners respectfully, are hereby authorized to employ one surveyor, at a per diem allowance, not exceeding one dollar and fifty cents, and two chain carriers at a per diem allowance, not exceeding one dollar, and the said commissioners respectively shall receive a per diem allowance of one dollar and fifty cents, for each and every day, necessarily spent in discharge of the duties enjoined by this act, to be paid in manner and form as hereinafter directed. To mark route. Per diem allowance.

SECTION 4. That it shall be the duty of said commissioners to make out fair and accurate drafts of the location of said road, noting thereon the courses and distances as they occur; the improvements passed through, and also the crossing of township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof, shall be deposited in the office of the secretary of the commonwealth, on or before Draft of road to be deposited in Secretary's office.

And office of the third Monday of January next, and one copy in the office clerk quarter of the clerk of the court of quarter sessions, of Greene county, sessions.

on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from theneforth the said road shall be to all intents and purposes a public highway, and shall be opened to the breadth, and repaired in all respects as roads are opened and repaired, which are laid out by order of the court aforesaid.

SECTION 5. That the accounts of said commissioners for their own pay and the pay of surveyors, chain carriers, &c. shall be made out and returned to the commissioners of Greene Accounts of Commission- and Washington counties, in proportion to the time severally ers. how ad- spent by them in each of the respective counties, in locating justed. said road, and that they be paid out of the treasury of each of the aforesaid counties, on warrants drawn in the usual way.

SECTION 6. That the said commissioners shall meet at the town of Centreville, in Greene county, on or before the first Monday in September next, or as soon thereafter as practicable, and complete the location of said road as soon as practicable; and if any vacancy or vacancies shall happen by resignation or otherwise, the court of quarter sessions of Greene county, shall fill said vacancy or vacancies by the appointment of To meet on or before first Monday in September. Vacancy, how supplied. suitable persons, who shall perform said duty.

SECTION 7. That Elias Baker, Peter Hewitt and James A. Commission-ers to view, &c. McCahan, of Hollidaysburg; E. A. Bemckerkeff, Abraham Brewer, and Archer States, of Indiana; James Winslow, of Jefferson, or any three of them, be and they are hereby appointed commissioners to view and locate a State road from Route. Hollidaysburg, in Huntingdon county, to Punxsatawney in Jefferson county, by the way of the Cherry tree and Robertsville, on the Little Mahoning, with power to locate and fix said road; and when they shall have reviewed and located said road, it shall be their duty to make out a correct plot or draft of said Draft of road to be delivered to the Recorders, &c. road, designating the lines thereof, and deliver the said plot or draft to the recorders of the counties of Huntingdon, Cambria, Indiana and Jefferson: And the said commissioners shall be entitled to receive two dollars per day, for every day necessarily employed in said location, to be paid by the treasurers of Huntingdon, Cambria, Indiana and Jefferson counties, in equal proportions, on the order of the commissioners of the said respective counties. *Provided*, That the aforesaid commissioners shall be, and are hereby authorized to employ a surveyor and chain carriers, at customary wages, to be paid in equal proportions by the aforesaid counties.

SECTION 8. That John L. Porter, Charles H. Haas, James F. Agnew and Henry Alexander, or any three of them be and they are hereby appointed commissioners, to appoint chain carriers and axmen, and to view and locate a state road from Em- Provision. lenton, in Venango county, to Cullensburg, in Armstrong coun-

Commission-ers. Route.

ty, by the Bullock's Ford, with power to locate and fix said Draft, how road; and when they shall have viewed and located said road, disposed of, it shall be their duty to make out a correct plot or draft of said road, designating the lines thereof, and deliver the said plot or draft to the recorder of the county of Venango, and the said commissioners shall be entitled to receive two dollars per day, Pay of com- for every day necessarily employed in said location, and the missioners, sum of one dollar per day for chain carriers and axmen, to be &c. paid by the treasurers of the counties of Venango and Armstrong, on the order of the commissioners of said counties.

SECTION 9. That William M'Allister, William Adair, and Commission- John Ferguson, of Beaver county, be and are hereby appoint- ers, ed commissioners to review and lay out that part of the Beaver and Mercer state road, lying between Samuel Smiley's, in Route. Beaver county, and the intersection with the Scrubgrass road in Mercer county, by the nearest and best route.

SECTION 10. That it shall be the duty of said commission- To be sworn. ers respectively, or a majority of them, after taking and subscribing an oath or affirmation before a justice of the peace, to perform the duties enjoined upon them by this act, with impartiality and fidelity. To carefully view the ground over which said road may pass, and to lay out the same as near to a straight line, between the aforesaid points, as the nature of the ground will permit, so that the vertical departure from a Duties of com- horizontal line, shall at no point exceed five degrees, except missioners. only at crossing ravines and streams, when by a moderate filling or bridging the declination of the said road, it may be preserved within that limit.

SECTION 11. That it shall be the duty of said commission- To mark ers respectively, plainly and distinctly, to mark the ground on route. the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the commissioners respectively are hereby authorized to employ Pay of sur- one surveyor, at a per diem allowance not exceeding two dol- veyors, &c. lars, and two chain carriers, at a per diem allowance not exceeding one dollar and twenty-five cents, and the said commissioners respectively, shall receive a per diem allowance, not exceeding two dollars for each and every day necessarily spent in the discharge of the duties enjoined by this act, to be paid in manner and form as herein after directed.

SECTION 12. That it shall be the duty of said commission- Draft. ers to make out a fair and accurate draft of the location of said road, noting therein the courses and distances as they occur: the improvements passed through; and also, the crossing of township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof, shall be deposited in the office of the secretary of the commonwealth, on or Where depos- before the first day of January next, and one copy in the office ited.

of the clerk of the court of Beaver county, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes, a public highway, and shall be open to the breadth and repaired in all respects as roads are opened and repaired, which are laid out by order of the court aforesaid.

Commrs. ac-
counts, how
paid. SECTION 13. That the accounts of said commissioners for their own pay, and the pay of surveyors, chain carriers, &c. shall be made out and returned to the commissioners of Beaver and Mercer counties, in proportion to the time severally spent by them in each of the respective counties, in locating said road, and that they be paid out of the treasury of each of the aforesaid counties, on warrants drawn in the usual way.

To meet first
Monday in
June. SECTION 14. That the said commissioners shall meet on or before the first Monday in June next, or as soon thereafter as practicable, and complete the review of said road as soon as practicable; and if any vacancy or vacancies shall happen by resignation or otherwise, the court of quarter sessions of Beaver county, shall fill said vacancy or vacancies, by the appointment of suitable persons, who shall perform said duty.

Comm'rs.
Route.
Draft.
How disposed
of. SECTION 15. That John Snow, Chester Andrews, Harry Ellis, Zalmon Robinson, and Seth Taggart, or any three of them, be and they are hereby appointed commissioners to view and locate a State road from Coudersport, in Potter county, to the New York state line, near where it intersects the Genessee river, with power to locate and fix said road, and when they shall have viewed and located said road, it shall be their duty to mark out a correct plot or draft of said road, designating the line thereof, and deliver the said plot or draft to the recorder of the county of Potter, who shall enter the same upon the records of the said county, and the said commissioners shall be entitled to receive two dollars per day, successively employed in said location, to be paid out of the treasury of the said county of Potter. The court of quarter sessions of the county of Potter shall have power to fill any vacancy or vacancies, that shall occur, by reason of death, resignation or otherwise, in the board of commissioners aforesaid.

Vacancy, how
filled. SECTION 16. The commissioners of the county of Potter shall be, and they are hereby, authorised to appropriate out of the county funds, any sum not exceeding two thousand dollars, to be expended upon the road aforesaid.

County com-
missioners to
appoint three
comm'rs. to
expend appro-
priations. SECTION 17. The court of quarter sessions of the county of Potter shall be, and is hereby authorized, to appoint three commissioners to lay out and expend the appropriations made by the county commissioners, whose duty it shall be to give bonds to the county of Potter, to be approved by the court of quarter sessions of the said county, for the faithful disbursement of the said moneys, before they receive the same.

SECTION 18. *Provided*, That the commissioners of the

county of Potter, shall be required to settle the accounts of the commissioners, appointed in pursuance of the third section of this act, annually during the first week in December, until the appropriations provided for in this act, are all expended and accounted for to the county commissioners: *Provided also*, That the settlement or settlements made as aforesaid, shall be approved by the county auditors, whose duty it shall be to meet with the commissioners at the time aforesaid, for that purpose, and that an appeal may be had from the decision of said commissioners, to the court of common pleas of the proper county.

Accounts,
how settled.
Proviso.

SECTION 19. That John Montgomery, Thomas Wood, Daniel Buck, of Lycoming county, and Michael Reader, Philip Dimm, of Northumberland county, be and they are hereby appointed commissioners, to view, lay out and mark a State road, from Absalom Lewis', in Lycoming county, to or near Leonard Roub's, in Northumberland county.

Commission-
ers.
Route.

SECTION 20. It shall be the duty of the said commissioners, or a majority of them, (after having been sworn or affirmed, before some justice of the peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act with impartiality and fidelity,) carefully to view the ground over which the road laid out by them may pass, and lay out the same on the most suitable and proper ground; and that they shall clearly and distinctly mark upon the ground, the route agreed upon, and for the purpose of fulfilling the duties in this act enjoined, the commissioners herein mentioned, shall receive one dollar and fifty cents, for every day they shall be necessarily employed in performing their duties under this act, and the said commissioners are authorized to employ one surveyor, at two dollars per day; two chain bearers, and one axeman, at a per diem allowance, not exceeding one dollar.

To be sworn.
Mark and lay
out.

Pay of sur-
veyors, &c.

SECTION 21. It shall be the duty of the said commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur; the improvements passed through; and also, the crossing of county and township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof, shall be deposited in the office of the secretary of the commonwealth, on or before the first Monday of November next, and one copy in the office of the clerk of the court of quarter sessions, of the respective counties through which said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof.

Draft, how
disposed of.

SECTION 22. The accounts of the said commissioners for their own pay, and for the pay of surveyors, chain carriers and markers, shall be adjusted by the commissioners of the respective counties, through which said road shall pass, and paid.

Accounts of
Commission-
ers, &c. how

paid by the treasurers thereof, on warrants drawn in the usual way, in proportion to the length of the road, in such county respectively.

SECTION 23. The said commissioners shall meet on or before the first Monday of September next, or as soon thereafter as practicable, at such places as a majority of them shall agree upon, and complete the location of said road as soon as practicable; and if any vacancy or vacancies shall happen by resignation or any other cause, the court of quarter sessions of the proper county, as the case may be, are hereby authorized to fill the vacancy or vacancies, by a suitable appointment.

SECTION 24. That from and after the passing of this act, the eastern branch of French creek, commonly known as Miles' branch, in the county of Erie, commencing at its junction, with the main creek to the mill of Stockum & Coe, on the said creek, be and the same is hereby declared, a public highway; and it shall, and may be lawful, for any person or persons, desirous of improving or using the navigation of said stream, to remove thereout all obstructions, except dams for mills and other water works, already built on, which dams any such person or persons as aforesaid, shall have full power to make slopes or shutes, as hereinafter described, and to keep the same in repair for the passage of boats, rafts and crafts: *Provided*, That such slopes or schutes, be constructed as not to injure such dams.

SECTION 25. Nothing in this act contained, shall be deemed, taken or understood, to prevent any person or persons, owning or possessing lands, on, or adjoining said stream, who, independent of the passage of this act, would have a right, under the general laws of this commonwealth, to erect a dam or dams across the said stream, from erecting such dam or dams: *Provided nevertheless*, That every such dam or dams, be so constructed with a proper slope or schute, erected in the most convenient and proper part thereof, so that crafts may not be obstructed in passing down the said stream, which slope or schute shall be sufficiently wide to admit the craft that may be run upon said stream, and be one foot lower than other parts of the dam; the surface of which slope or schute shall be composed of wood or hewn timber, well compacted together, and the surface covered with white oak plank, well secured to the said slope timbers, with guard logs of hewn timber, permanently placed on the sides of said slope or schute, which slopes or schutes shall for every foot in height, extend fifteen down stream.

SECTION 26. That John Good and John M. Coleman, be and they are hereby appointed and constituted additional commissioners, to assist those already appointed, to lay out a continuation of the State road from Stoystown to Berlin in Somerset county, being a continuation of a State road, leading from

Ebensburg, Cambria county, to Stoystown, in said county of Route. Somerset, and that the said commissioners be authorized and required to locate the same, on the nearest and best route between those points, and that the time for locating the same, be extended to the first day of September next.

SECTION 27. That the second section of the act of assembly of this commonwealth, entitled an act relative to the laying out certain State roads, and for other purposes, passed fourteenth April, eighteen hundred and thirty-five, be and the same is hereby repealed.

SECTION 28. That the time of opening books for the subscription of stock to the Lebanon valley rail road company, is hereby extended to the first day of April, one thousand eight hundred and forty-two.

WM. HOPKINS,
Speaker of the House of Representatives.

CHARLES B. PENROSE,
Speaker of the Senate.

APPROVED—The sixth day of January, eighteen hundred and forty.

DAVID R. PORTER.

[No. 212.]

A N A C T

To incorporate the Juniata Navigation Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Joseph Milliken and E. L. Benedict, of Mifflin county; James Entriken, John Henderson, Andrew P. Wilson, Thomas Fisher, Jno. G. Miles, James Gwinn and Jonathan Dorsey, of Huntingdon county; and George M'Kinney, George Roads, Thomas C. Piper, George B. Kay, John F. Loy and John Irwin, of Bedford county, are hereby appointed commissioners to do and perform the several things hereinafter mentioned: that is to say, they or any of them, shall, on or before the first Monday of August next, procure sufficient number of books, one or more of which shall be opened at convenient places in Huntingdon, Bedford, Lewis.

town, or at such other places as the said commissioners may see proper to direct, and in each of them enter, as follows:—

Form of sub- We, whose names are hereunto subscribed, do promise to pay
scription. to the Juniata Navigation Company, the sum of fifty dollars, for every share of stock set opposite to our names, respectively, in such manner, and in such proportions, and at such times, as shall be determined by the president and managers of said company, in pursuance of an act of the General Assembly of this Commonwealth, entitled "An act to incorporate the Juniata Navigation Company." Witness our hands, this day of in the year of our Lord, one thousand eight hundred and and shall thereupon, give notice in two or more newspapers, printed in the commonwealth of Pennsylvania, in such places as may be directed by the commissioners, for one calendar month at least; of the times and places, when and where, the said books shall be kept open to receive subscriptions for stock of the said company; at which times and places at least two of the commissioners shall attend, and permit all persons of lawful age, who shall offer to subscribe in the said books in their own name, or in the name of any other person, who shall authorize the same to subscribe, for any number of shares in the said stock, and the said books shall be kept open respectively, for the purpose aforesaid, at least six hours in every juridical day, for the space of ten days, at the following named places, to wit: Huntingdon, Bedford, and Lewistown, or at such other places as the said commissioners may direct; and if, at the expiration of ten days, it shall be ascertained, that there is not six thousand shares subscribed in the books aforesaid, the said commissioners may adjourn from time to time, and transfer the books elsewhere, until the whole number of six thousand shares aforesaid, shall have been subscribed; of which adjournment and transfer of the books, the commissioners aforesaid, shall give public notice, as the occasion may require; and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided always,* That every person offering to subscribe in the said books, in his own or any other name, shall previously pay to the attending commissioners, the sum of five dollars, for every share subscribed, out of which shall be defrayed, the expenses attending the taking of such subscription and other incidental expenses, and the remainder shall be paid to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen, as hereinafter mentioned.

To give notice papers, printed in the commonwealth of Pennsylvania, in such
before books places as may be directed by the commissioners, for one cal-
are opened. ender month at least; of the times and places, when and
Who may where, the said books shall be kept open to receive subscrip-
subscribe. tions for stock of the said company; at which times and places
at least two of the commissioners shall attend, and permit all
persons of lawful age, who shall offer to subscribe in the said
books in their own name, or in the name of any other person,
who shall authorize the same to subscribe, for any number of
shares in the said stock, and the said books shall be kept open
respectively, for the purpose aforesaid, at least six hours in
every juridical day, for the space of ten days, at the following
named places, to wit: Huntingdon, Bedford, and Lewistown,
or at such other places as the said commissioners may direct;
and if, at the expiration of ten days, it shall be ascertained,
that there is not six thousand shares subscribed in the books
aforesaid, the said commissioners may adjourn from time to
time, and transfer the books elsewhere, until the whole num-
ber of six thousand shares aforesaid, shall have been subscrib-
ed; of which adjournment and transfer of the books, the com-
missioners aforesaid, shall give public notice, as the occasion
may require; and when the whole number of shares shall be
subscribed, then the books shall be closed: *Provided always,*
That every person offering to subscribe in the said books, in
his own or any other name, shall previously pay to the at-
tending commissioners, the sum of five dollars, for every share
subscribed, out of which shall be defrayed, the expenses at-
tending the taking of such subscription and other incidental
expenses, and the remainder shall be paid to the treasurer of
the corporation, as soon as the same shall be organized, and
the officers chosen, as hereinafter mentioned.

Commission- time, and transfer the books elsewhere, until the whole num-
ers may ad- ber of six thousand shares aforesaid, shall have been subscrib-
journal from ed; of which adjournment and transfer of the books, the com-
time to time. missioners aforesaid, shall give public notice, as the occasion
may require; and when the whole number of shares shall be
subscribed, then the books shall be closed: *Provided always,*
That every person offering to subscribe in the said books, in
his own or any other name, shall previously pay to the at-
tending commissioners, the sum of five dollars, for every share
subscribed, out of which shall be defrayed, the expenses at-
tending the taking of such subscription and other incidental
expenses, and the remainder shall be paid to the treasurer of
the corporation, as soon as the same shall be organized, and
the officers chosen, as hereinafter mentioned.

Proviso. *Provided always,*
That every person offering to subscribe in the said books, in
his own or any other name, shall previously pay to the at-
tending commissioners, the sum of five dollars, for every share
subscribed, out of which shall be defrayed, the expenses at-
tending the taking of such subscription and other incidental
expenses, and the remainder shall be paid to the treasurer of
the corporation, as soon as the same shall be organized, and
the officers chosen, as hereinafter mentioned.

\$5 to be paid. attending commissioners, the sum of five dollars, for every share
subscribed, out of which shall be defrayed, the expenses at-
tending the taking of such subscription and other incidental
expenses, and the remainder shall be paid to the treasurer of
the corporation, as soon as the same shall be organized, and
the officers chosen, as hereinafter mentioned.

To certify to SECTION 2. That when two thousand shares or more, of the
Governor. said capital stock, shall be subscribed, the commissioners or a
majority of them, shall certify to the governor, under their
hands and seal, the names of the subscribers, and the number
of shares subscribed by each; whereupon, the governor shall
by letters patent, under his hand and the seal of the common-
wealth, shall issue.

wealth, create and erect the subscribers, and if the subscription be not full at the time, or should afterwards be increased, as hereinafter provided, then all those who shall thereafter subscribe to the number of shares as aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of the "Juniata Navigation Company," for the purpose of making a canal and slack water navigation, from the mouth of the Raystown branch of the Juniata river, in Huntingdon county, to the bituminous coal region, near the mouth of Yellow creek, in Bedford county, and for transacting the usual business of a navigation company, and by the same name, the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner and form, as they shall think proper, if such enlargement shall be found necessary to complete said navigation and fulfil the intentions of this act; of purchasing, taking and holding to them, their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works; of suing and being sued, and of doing all and every other matter and thing, which a corporation or body politic, may lawfully do.

Name and style.

Route.

Privileges and franchises.

SECTION 3. That Joseph Milliken and E. L. Benedict, of Mifflin county; James Entriiken, John Henderson, Andrew P. Wilson, Thomas Fisher, James Gwinn, Jno. G. Miles, and Jonathan Dorsey, of Huntingdon county; and George McKinney, George Roads, Thomas C. Piper, George B. Kay, John F. Loy and John Irvin, of Bedford county; or a majority of them, shall, as soon as conveniently may be, after the said letters patent shall be obtained, give at least twenty days notice, in all the public newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, who shall choose, by a majority of votes, by ballot, to be given in person or by proxy, duly authorized, one president, and ten managers; a treasurer; secretary, and such other officers, as shall be deemed necessary, which proxy shall have been obtained, and bear date within three months previously to the election, at which such proxy shall be presented, and the president and managers, chosen as aforesaid, shall conduct the business of the said company, until the first Monday of June then next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations, as do not contravene the constitution and laws of the United States, or of this State, that may be necessary for the well governing of the affairs of the company; and the said company may demand and take such se-

Notice of organization.

President, &c. chosen.

By-laws.

curities from their officers and agents, and in such sums as may be fixed by the by-laws, or by resolutions of the board, for the faithful discharge of their respective duties.

SECTION 4. The stockholders shall meet on the first Monday of June, in every year, at such place as may be fixed upon by the by-laws, of which notice shall be given at least twenty days, by the secretary, in the newspapers before mentioned, and choose by a majority of votes present, such officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, and at such other times as they may be summoned by the managers, in such manner and form, as shall be prescribed by the by-laws, at which annual or special meeting, they shall have full power and authority to make, alter or repeal, such by-laws, by a majority of votes in manner aforesaid, and to do and perform any other corporate act; and every person holding ten or any less number of shares of said stock, shall be entitled to one vote for every share so held, at any election for officers of said company, or other meeting of stockholders, and one vote for every additional ten shares: *Provided*, That no number of shares shall entitle the holder thereof, to more than twenty votes: *And provided*, That the omission of the stockholders to meet and elect as aforesaid, shall work no forfeiture, but they may be afterwards called together, for that purpose, by the managers.

SECTION 5. The said president and managers shall meet at such times and places as shall be found most convenient for the transaction of their business, and when met, five shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of their transactions to be fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents and other artists and officers, as they shall deem necessary to carry on the intended works; to fix their salaries and wages; to ascertain the times, manner and proportions in which the said stockholders shall pay the moneys due on their respective shares; to draw orders on the treasurer: *Provided*, That such drafts or orders be signed by the president, or in his absence, by a majority of the quorum present, and generally to do, all such other acts, matters and things, as by this act, and by the by-laws and regulations of the company, they shall be authorized to do.

SECTION 6. The president and managers first chosen, shall procure certificates or evidence of stock, for all the shares of the said company respectively, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the corporation, to each person for every share by him, her or them subscribed and held; he, she or they, paying five dollars for each

share, as aforesaid, which certificate or evidence of stock shall be transferable at pleasure, in person or by attorney, duly authorized in the presence of the president or treasurer, to be entered in a book, to be kept for that purpose, subject how-
 ever, to all payments due or to become due thereon, and the assignee holding any certificate entered as aforesaid, shall be a member of the said corporation, and entitled to one share of the capital stock, and of all the estates and emoluments of the company incident to one share, and to vote as aforesaid, at the meeting thereof, and be subject to all the penalties and forfeitures, and of being sued for all the balance and penalty due, or to become due on each share, as the original subscriber would have been.

SECTION 7. After thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder having neglected or refused to pay such proportion or instalment, at the place appointed, for the space of thirty days, after the time so appointed, every such stockholder or his assignee, shall in addition to such instalment so called for, pay at the rate of two per centum per month, for the delay of such payment; and, if the same and additional penalties, shall remain unpaid for such space of time as the accumulated penalty shall become equal to the sums before paid, in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons, willing to purchase for such price as can be obtained for the same; or, in default of payment by any stockholder of any such instalment as aforesaid, the said president and managers may at their election, cause suit to be brought before a justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalties aforesaid: *Provided*, That no stockholders, whether original subscriber or assignee, shall be entitled to a vote at any election or at any general or special meeting of said company, on whose share or shares any instalments or arrearages may be due, and payable more than thirty days previously, to said election or meeting.

SECTION 8. It shall and may be lawful for the said president, managers and company, their superintendents, surveyors, engineers, artists and workmen, to enter upon the said Rye-town branch, and upon the lands on either side, and to use the rocks, stones, gravel or earth, which may be found thereon, in the construction of their works; first giving notice to the owner or occupiers of the land, and to form and make any canals, erect and set up any dams, locks, sluices or any other device whatsoever, which they shall think most fit and convenient to make a complete canal and slackwater navigation, between the points herein mentioned; they shall make amends

Transferable.
 Transfer, how made.

Penalty for neglect of payment.

Proviso.

Authority to enter upon land. &c.

To pay dam- for any damage that may be done on said lands, and pay the
ages. owner or owners, for the materials taken away, as well as for

Mode of as-
certaining
damages
when parties
disagree.

coal region, near the mouth of Yellow creek, in Bedford county:
Provided, If the parties cannot agree, the said damages are to be
valued by five disinterested freeholders, appointed by the con-
sent of the parties; or, if they cannot agree, by any disinter-
ested justice of the peace of the proper county, and the report
made by the freeholders so agreed upon or appointed, as afore-
said, or a majority thereof, shall be filed in the office of the
Prothonotary of the county in which the land lies, and shall
be regularly entered of record, which report being confirmed
by the court, judgment shall be entered thereon, and the said
company shall forthwith pay the amount so confirmed by the
said court, or give adequate security therefor to the claimant of
such damages; and it shall be the duty of the five freeholders
aforesaid, in assessing the damages, to take into consideration
the advantages derived to the owner or owners of the premises,
from the said improvements, hereby authorized: *Provided*,
That either party may appeal to the court within thirty days,
after such report may have been filed in the Prothonotary's
office of the proper county, in the same manner as appeals are
allowed, in cases under the act entitled an act, regulating arbi-
trators, passed the twentieth day of March, Anno Domini, one
thousand eight hundred and ten.

Proviso.

To use water
power and
erect machin-
ery.

SECTION 9. The said president, managers and company
shall have the privileges, and be entitled, to use the water
power from the said river, canals and sluices, to propel such
machinery as they may think proper to erect on the land
which they may previously have purchased, from the owner
or owners, or may sell in fee, lease or rent, for one or more
years, the said water power, to any person or persons, on such
terms as shall be most advantageous to the corporation: *Pro-
vided*, It may be done, that it shall not injure, impede or in-
terrupt the navigation, and that the moneys arising from such
sale of the water power, be applied to the use and benefit of
the said corporation.

Governor to
appoint com-
missioners.

SECTION 10. So soon as twenty miles of navigation shall
be completed, the said president and managers shall give no-
tice thereof, to the governor, who shall thereupon, nominate
and appoint, three disinterested persons, to view and examine
the same, and report to him, in writing, under oath or affirm-
ation, whether the said works, have been so far executed in a
workmanlike manner, according to the true intent and mean-
ing of this act; and if, at any time, their report shall be in the
affirmative, then the governor shall, by license under his hand
and the seal of this commonwealth, permit the said president,

managers and company, or such person as they shall, from time to time appoint to collect the tolls, which shall not exceed the following rates, to wit: That the president and managers shall be entitled, to take and receive, the same rate of toll per ton or otherwise, at their discretion, as shall be received, and taken, on the Pennsylvania canal. Of tolls.

SECTION 11. It shall be the duty of the commandant of any boat, ark or raft, navigating the said river, when he shall arrive within one-fourth of a mile from any lock, so erected, under the penalty of two dollars, to blow a horn or trumpet, or ring a bell; whereupon, the keeper of such lock, shall attend for the purpose of opening such gate or sluice, to let the said boat, ark or raft pass, without unnecessary delay, and in safety; and if any boat, ark or raft, shall be prevented from passing up or down any of the said locks or sluices, by reason of the lock not being raised, for more than thirty minutes, the president, managers and company, shall, upon conviction thereof, forfeit and pay to the person so hindered, the sum of one dollar, for every thirty minutes beyond the said time that he shall be so prevented, and in the same proportions, for any longer or shorter time, and civil process in the proper county and next to the place where the offence shall have been committed, shall be served by the owner or owners, thus aggrieved, upon the aforesaid president, managers and company. Com'dts. of crafts to give notice of approach to locks.
Penalty for detaining craft.

SECTION 12. If the president, managers and company, shall neglect or refuse to keep in good order and repair, any dam, lock or sluice of their own construction, or shall neglect to remove any obstacle which may occur therein, so that boats, arks or rafts cannot at all times safely navigate said river, when the same is not prevented by ice or other unavoidable cause, they shall, for every such offence, pay the sum of fifty dollars, to be recovered in the same manner, as debts of equal amount are or shall be by law recoverable, one-half to the use of the good order. Penalty for not keeping navigation in the good order. informer, and the other half to the use of the poor of the township or county, where the neglect or refusal, may occur.

SECTION 13. If any person or persons, shall wilfully and knowingly, do any act or thing, whereby the navigation shall be impeded, or any dam, lock, gate or engine machine or device therein belonging, or any machinery or property of the company shall be injured or damaged, he, she or they so offending, shall forfeit and pay to the said company, double the damage by them sustained, together with costs, to be recovered by action of debt, before any justice of the peace, or in any court of competent jurisdiction. Penalty for injuring works

SECTION 14. The president and managers of the said company, shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the subscribers to the undertaking, on account of the several subscriptions: of all penalties for delay in payment thereof, and the amount Accounts to be kept.

of profits on the shares, which may be forfeited as aforesaid; and also, of all moneys by them expended in the prosecution of the said works; and shall in every year submit such accounts to the stockholders, at their annual meeting; and when the aggregate amount of such receipts and expenditures, shall be ascertained, and upon such liquidation or when the capital stock shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said navigation, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting to be convened for the purpose, to increase the number of shares to such extent, as shall be deemed sufficient to accomplish the work, and to receive and demand the moneys, for shares so subscribed, in like manner, and under like penalties, as are hereinbefore provided, or as shall be provided, by their by-laws.

Power to increase stock.

SECTION 15. The president, managers and company shall keep a just and true account, of all the moneys received, by their several and respective collectors; of tolls at the several and respective locks, and all moneys received for the rent or hire of the water power, and all other emoluments, and shall make and declare, a dividend of the clear profits and income thereof, among all the stockholders, in proportion to the stock held by each, all contingent costs and charges being first deducted; and shall, on the first Monday of June, in each and every year, publish the dividend made by their clear profits, and the time when, and the place where, the same will be paid to the stockholders, not exceeding twenty days thereafter, and shall cause the same to be paid, accordingly; and shall, on or before the first Monday of June, in every year, after the incorporation of the company, lay an abstract of the accounts of their receipts and disbursements before the legislature, under oath or affirmation of the president of the company; and the said company shall pay annually, into the treasury of the commonwealth, a tax of eight per centum, on all dividends which may exceed six per centum, on the capital stock, actually paid in.

To keep accounts of tolls &c. received.

Dividends.

Tax to the State.

SECTION 16. Nothing herein contained, shall at any time, injure, destroy, or in any way, impair any right, privilege or legal claim, which may have been granted to individuals by any act of assembly heretofore passed, for the purpose of erecting mill-dams on said river: but such persons as have mill-dams thereon, are hereby authorized to have them constructed or raised at their own proper costs and expenses, to the same height as the other dams on said river, or as shall be prescribed by said president and managers; and also, to build and erect, a suitable lock or locks and guard wall, and the same to be inspected and approved of by the said president and managers, or a majority of them, to maintain and keep the same in

Not to be construed to impair individual rights.

Owners of mill dams to construct locks.

perfect order and repair; to receive the same tolls, and be subject to the same penalties and forfeitures; and be liable to have process served on him, her or them, in the same manner, as the president, managers and company are subject to, according to the provisions of this act: but, if the owner of such privileges, shall for six weeks after notice given by said president, managers and company, neglect or refuse to construct or repair his or her dam, and make his or her lock in the manner prescribed by the company, then the said managers and company shall have power to erect such dam and lock, and receive the tolls in the same manner as is provided in the tenth section of this act: first, paying or giving satisfactory security for the payment of any damages which they may thereby occasion; to be ascertained in the same manner, as is provided in the eighth section of this act.

SECTION 17. If the said president, managers and company, shall not proceed to carry on the said work within five years from the passage of this act, and shall not complete the navigation, to or near the mouth of Yellow creek, in Bedford county aforesaid, in seven years thereafter, according to the true intent and meaning thereof; then, and in either of those cases, all the rights, privileges, liberties and franchises hereby granted to said company, shall revert to the commonwealth: *And provided*, That in case of forfeiture by the company, the owner or owners of any water power, created by any dam erected by virtue of this act, shall be obliged to keep in perfect repair and good condition, any dam or dams, lock or locks connected with such water power, under and subject to the same penalties as the company originally were; and shall have the right to charge and receive the same tolls as the said company had received: and in case the owner or owners of such water power, shall neglect or refuse to keep the said dam or dams, lock or locks as aforesaid, in good order and repair, fit for the passage of boats, arks and rafts, as the case may be, the legislature may resume all and singular, the rights, privileges, liberties and franchises granted by this act.

SECTION 18. No suit or action shall be brought or prosecuted by any person or persons, for penalties incurred under this act, unless said suit or action shall be commenced within six months next after the offence shall have been committed, or the cause of action have accrued, and the defendant or defendants, in such suit or action, may plead the general issue, and give this act, and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

SECTION 19. The legislature hereby reserve the right to amend, alter and repeal the charter hereby granted, whenever they shall think proper, in such manner, however, that no injustice be done to the corporators; and also, the right to the commonwealth to purchase the right of said company, in the

If owners refuse.

After notice company to build lock or locks.

Time of commencing and completing.

Proviso.

Locks, dams, &c. to be kept in good repair.

Suits, how commenced.

Right of State to purchase.

said improvement, with its appurtenances, at any time after twenty years from the passage of this act, by paying to said company, a sum of money, which, together with the tolls received, shall equal the costs and expenses of said navigation company, with an interest of six per centum per annum thereon.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

[We do hereby certify, that the bill, entitled "An act to incorporate the Juniata Navigation Company," was presented to the Governor, on the twenty-fifth day of June, one thousand eight hundred and thirty-nine, and was not returned within three days after the meeting of the legislature in January, in the year one thousand eight hundred and forty; wherefore, it has, agreeably to the provisions of the Constitution of this Commonwealth, become a law, in like manner, as if he had signed it.

J. SEILER,

Clerk of the House of Representatives.

H. BUEHLER,

Clerk of the Senate.

HARRISBURG, January 15th, 1840.]

LAWS PASSED SESSION, 1840.

[No. 1.]

A N A C T

To authorize a Loan.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority* Governor to
of the same: That the Governor be, and he is hereby author- negotiate a
ized, to negotiate a loan, by the issue of negotiable certificates loan by the
of stocks, for the sum of eight hundred and seventy thousand issue of certi-
dollars, at a rate of interest, not exceeding five per cent per ficates, for
annum, payable half yearly. And the faith of the common- \$870,000.
wealth is hereby pledged for the re-imbursement of the said Re-imburseable
loan at the expiration of twenty-five years, from the first day after 1st Jan-
of January, one thousand eight hundred and forty; and the in- uery, 1865.
terest accruing upon the stock created by said loan, shall be
paid at the State Treasury, or at such other place as may be Interest, when
agreed upon by the Governor, and the original purchasers of and how paid.
the stock.

SECTION 2. That the Governor be, and he is hereby au-
thorized, to cause to be executed, certificates of stock, signed Certificates of
by the Auditor General, and countersigned by the State Treas- stock, how is-
urer, for the sum to be borrowed in pursuance of this act, sued.
bearing an interest not exceeding five per cent per annum, re-
imburseable as aforesaid, which stock thus created, shall be
transferable on the books of the Auditor General, or at the
Bank of Pennsylvania, by the owner or owners of the same, Manner of
his, her or their attorney; and new certificates of the same, transfer.
shall be issued by the Auditor General and State Treasurer, to
the new holder or holders; and it shall be deemed sufficient
execution of the power given in this act, for the Governor to
cause the said certificates of stock to be sold.

SECTION 3. The money authorized to be borrowed by this Money, how
act, shall be applied by the State Treasurer, as follows: To applied.
the payment of interest upon the public debts, falling due on

the first day of February next, the sum of six hundred thousand dollars, to be paid in the legal currency of the United States : To the payment of a temporary Loan, authorized by the fourth section of the act of the twenty-seventh day of June, eighteen hundred and thirty-nine, the sum of two hundred and twenty thousand dollars, which loan falls due on the first day of March, eighteen hundred and forty : Fifty thousand dollars to be paid into the State Treasury, for such purposes, as shall be designated by law.

Governor to
negociate a
temporary
loan of
\$870,000; to
pay interest.

To be paid in
one year.

SECTION 4. That the Governor be, and he is hereby authorized, to negociate a temporary Loan, for the above sum of eight hundred and seventy thousand dollars: *Provided*, he cannot, within the time limited for the payment of the interest aforesaid, negociate a permanent loan as contemplated in the first section of this act, at a rate of interest not exceeding five per cent per annum ; the amount to be borrowed under this section, to be repaid to the lender or lenders, within one year from the period at which the loan is negociated, by the permanent loan authorized, by the first section of this act, when negociated.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twenty-third day of January, eighteen hundred and forty.

DAVID R. PORTER.

[No. 2.]

A N A C T

To designate the time of electing directors on the part of the Commonwealth, in the Bank of Pennsylvania ; Philadelphia bank, and the Columbia bridge company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:* That the directors, required to be elected by the Senate and House of Representatives, respectively,

in the Bank of Pennsylvania; the Philadelphia bank, and the Directors of the Columbia bridge company, agreeably to the provisions of their original acts of incorporations and the supplements thereto, shall be elected annually, in the month of January.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twenty-fifth day of January, eighteen hundred and forty.

DAVID B. PORTER.

[No. 3.]

A N A C T

Supplementary to an act entitled an act to provide for the erection of a House for the employment and support of the poor, in the county of Erie.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That for the purpose of ascertaining the sense of the citizens of Erie county, as to the expediency of erecting a Poor House, it shall be the duty of each of the inspectors of the several townships and boroughs, at the township election, to be holden on the third Friday of March, in the year, one thousand eight hundred and forty, to receive tickets, either written or printed, from the qualified voters thereof, labelled on the outside "Poor House," and in the inside "for a Poor House" or "against a Poor House;" and the officers of said election shall make out true duplicate returns of the votes given for and against a poor house, one of which shall be delivered by the constable to the commissioners of said county, and the other to the Prothonotary, to be filed in his office; and the said commissioners shall meet at their office, on the Friday after said election, and cast up the votes of the different districts; and if it shall appear that a majority of those who voted are for a poor house, then the act to which this is a supplement, to take effect; and the election of directors of the poor, as provided for in the first section of the said act, shall be held

Directors to be elected in October next. at the general election, to be holden on the second Tuesday of October next: but if a majority of votes are found to be against a poor house, the act to which this is a supplement, be and the same is hereby repealed.

SECTION 2. That so much of the act, to which this is a supplement, as is hereby altered or supplied, be and the same is hereby repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The thirtieth day of January, eighteen hundred and forty..

DAVID R. PORTER.

[No. 4.]

A N A C T

To incorporate a Female Academy, in McSherrystown, Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That there shall be and is hereby established, in

Seminary established. McSherrystown, in the county of Adams, a Female Seminary or public school, for the education of female youths, in the

Name and style. English and other languages, and in the useful arts, sciences and literature, by the name, style and title of "St. John the Baptist's Female Academy of McSherrystown:" The said

Trustees. academy to be under the management, direction and government of a board of trustees, not exceeding seven in number, four of whom shall be a quorum for the transaction of business: The trustees are the following named persons, viz:—Matthew Lekeu, Samuel Lilly, Edward Reily, Joseph Sneeringer, John Lilly, Henry Reily and Joseph Klunk, which said trustees and their successors, to be elected as hereinafter mentioned, from among the holders of stock in said seminary, shall be and they are hereby erected, established and declared to be a body politic and corporate, with perpetual succession, and with all the incidents of a corporation, in deed and in law,

to all intents and purposes whatsoever, by the name, style and title of "the trustees of St. John the Baptist's Female academy of McSherrystown," by which name and title the said trustees and their successors, shall be able and capable at law and in equity, to take to themselves and their successors, for the use of said seminary, any estate in any messuages, lands, tenements, hereditaments, goods, chattles, moneys or effects; by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, of any person or persons, whatsoever: *Provided*, the same does not exceed in the whole, the yearly value of three thousand dollars; and the same messuages, lands, tenements, hereditaments and estates, real and personal, to grant, bargain, sell, convey, assure, devise, and to farm, let and place out on interest, or otherwise dispose of, or invest for the use of the subscribers in said seminary, in such manner as to them or at least a quorum of them, shall seem most beneficial to the institution; and to receive the rents, issue, profits, income and interest of the same, and to apply the same to the proper use of said seminary: and by the same name, to sue, prosecute and defend, implead and to be impleaded, in any courts of law or equity; and in all manner of suits and actions whatsoever, and generally by and in the same name, to do and transact, all and every business, touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually, as any natural person, or body politic or corporate, have power to manage their own concerns.

SECTION 2. The said trustees shall cause to be made, for their use, one common seal, with such devices and inscriptions thereon, as they shall think proper, and by and with which, all deeds, certificates and acts of the said corporation, shall pass and be authenticated; and the same seal, at their pleasure, may break, alter and devise a new one.

SECTION 3. There shall be a meeting of the trustees held, once in every year at least, at McSherrystown, at such time as the said trustees, or a quorum of them, shall appoint; of which meeting, due and timely notice shall be given; and if less than a quorum attend at such meeting, those present shall have the power to adjourn to another day: Said trustees shall have the power of making and enacting ordinances for the government of the said Seminary; of electing trustees from among the subscribers, in the seminary as aforesaid, in the place and stead of those who shall resign or die; of electing and appointing teachers of the said seminary; of agreeing with them for their salaries and stipends, and of removing them for misconduct, breaches of the ordinances of the institution, or other causes which shall be deemed sufficient; of appointing committees of their own body, to carry into execution, all and every the resolutions of the board; of appointing a president, secretary, treasurer, and other officers, whom they may find necessary

for managing the corporation ; of providing for the punishment of all violations of the rules, regulations or ordinances of the seminary, or other misconduct, committed by the pupils or other persons thereat ; and generally, at any annual adjournment or extra meeting, shall determine all matters and things, (although the same are not herein particularly mentioned) which shall occasionally arise, and be incidentally necessary to be determined by said trustees : *Provided*, That no ordinances or regulation, shall be of any force, which is repugnant to the constitution and laws of the United States, or of this commonwealth.

SECTION 4. That the teachers of said seminary, or a majority of them, shall have the power of enforcing the rules and regulations adopted by the trustees for the government of the pupils, and to grant and confirm, by the order and direction of a quorum of the board of trustees, such degrees in the arts and sciences, or other branches thereof, to such pupils of the seminary and others, who by their proficiency in learning or other distinction, they think shall be entitled to them, as have been usually granted in other similar seminaries, or which the said trustees, or a quorum thereof, shall think right and proper, and to grant to such graduates, certificates under their common seal.

SECTION 5. Persons of every religious denomination shall be capable of being elected trustees, nor shall any person as principal, teacher or pupil, be refused admittance into said seminary, or denied any of the privileges, immunities or advantages thereof, for or on account, of his sentiments, in matters of religion.

SECTION 6. No misnomer of the said corporation shall defeat or annul, any gift, grant, devise or bequest, to or from said corporation : *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest, was intended to pass, to or from, said corporation : *Provided*, That nothing in this act or any other law of this commonwealth, shall entitle the said seminary hereby incorporated, to receive the appropriation granted to female seminaries and academies, by the fourth section of the act of the twelfth of April, 1838, entitled a supplement to an act to consolidate and amend the several acts, relative to a general system of education by common schools, passed the 13th of June, 1836.

SECTION 7. The legislature reserves the right to revoke, al- Repealing
ter or annul, the charter hereby granted, at any time they may clause.
think proper.

WM. HOPKINS,
Speaker of the House of Representatives.
W. T. ROGERS,
Speaker of the Senate.

APPROVED—The thirtieth day of January eighteen hundred
and forty.

DAVID R. PORTER.

[No. 5.]

A N A C T

Supplementary to an act entitled "an act to incorporate the Southwark
Fire Insurance company," of the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of
Representatives of the Commonwealth of Pennsylvania in
General Assembly met, and it is hereby enacted by the au-
thority of the same:* That so much of the second section of ^{Repeal of cer-}
an act, entitled "an act to incorporate the Southwark Fire In- ^{tain part of}
surance company," of the county of Philadelphia, as ^{relates former act.}
to the location of the said company, in the district of South-
wark, be and the same is hereby repealed: *Provided,* That ^{Proviso.}
the stockholders voting at a general meeting to be called for ^{Stockholders}
that purpose, shall determine upon any change to be made in ^{to determine}
the location of the company. ^{location.}

WM. HOPKINS,
Speaker of the House of Representatives.
W. T. ROGERS,
Speaker of the Senate.

APPROVED—The sixth day of February, eighteen hundred
and forty.

DAVID R. PORTER.

[No. 6.]

A SUPPLEMENT

To an act entitled "an act relative to the building of certain bridges over the Monongahela and Allegheny rivers," opposite Pittsburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the public meeting of the stockholders and

Election of
Monongahela
bridge compa-
ny, first Mon-
day in March,
annually.

the annual election of the president, managers, treasurer and clerk of the company, incorporated in pursuance of the act of assembly, to which this is a supplement, and known by the name, style and title of "the President, Managers and company, for erecting a bridge over the river Monongahela, opposite the borough of Pittsburg, in the county of Allegheny," shall be held on the first Monday of March, in each and every year hereafter, and that the oath required by law to be taken by the officers of the said company, before they enter upon

Who may ad-
minister oath,

their official duties, may be administered by any officer having authority to administer oaths, in the city of Pittsburg, or county of Allegheny; or may be administered by the President or Treasurer of the said company, to each of the managers and clerk thereof; and by any one of the managers to the president, the treasurer and the clerk of the said company.

may be ad-
ministered by
president or
treasurer of
said company.

SECTION 2. That the dividends of the income and profits authorized to be declared and made by the said president, managers and company, of their income and profits, and heretofore declared annually, may be declared and made half yearly, in each and every year hereafter, subject to all the provisions and restrictions, by law heretofore imposed, on the said company.

Dividends
may be made
half yearly.

Provisions of
the first sec-
tion extended
to Allegheny
bridge com-
pany.

SECTION 3. That the provision relative to the administration of oaths, contained in the first section of this act, be and the same is hereby extended to the president, managers and company, for erecting a bridge over the Allegheny, opposite Pittsburg, in the county of Allegheny.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The sixth day of February, eighteen hundred and forty.

DAVID R. PORTER.

[No. 7.]

A N A C T

Authorizing Elie A. F. Vallette, to change his name to Elie Augustus F. Lavallette, and family name to Lavallette, instead of Vallette.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Elie A. F. Vallette, of the county of Philadelphia, be authorized to change his name from Elie A. F. Vallette, to Elie Augustus F. Lavallette, and family name from Vallette to Lavallette; and by that name shall be able and capable in law, to sue and be sued, grant and receive, and do all other legal acts, as effectually, to all intents and purposes, as they could have done by their former name, if no change had been made therein.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The sixth day of February, eighteen hundred and forty.

DAVID R. PORTER.

[No. 8.]

S U P P L E M E N T

To an act entitled "an act to provide for the erection of a house for the employment and support of the poor, in the county of Westmoreland," passed the twenty-sixth day of January, one thousand eight hundred and thirty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the time fixed in the act to which this is a supplement, for the erection of a house for the employment of the poor, in the county of Westmoreland, be and the same is hereby, extended to the first day of September next.

Election directed by former act, altered to 1st September next.

Comm'rs. to receive jurors fees. SECTION 2. That the commissioners of the county of Westmoreland, are hereby authorized and required to pay to the commissioners named in the act, to which this is a supplement, the same fees to which jurors are now entitled by law.

W. T. ROGERS,
Speaker of the Senate.

WM. HOPKINS,
Speaker of the House of Representatives.

APPROVED—The seventh day of February, A. D. 1840.

DAVID R. PORTER.

[No. 9.]

A N A C T

To incorporate an Academy, in Byberry township, Philadelphia county.

Academy es-
tablished. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That there shall be, and hereby is established, in the township of Byberry, in the county of Philadelphia, an Academy or public school, for the education of youth, in the English and other languages, and in the useful arts, sciences and literature, by the name, style and title of "the Byberry Academy," under the care and direction of six trustees, who, and their successors in office, shall be and are hereby declared to be, one body politic and corporate, in deed and in law, by the name and style of "the Trustees of the Byberry Academy," and by the same name, shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere; and shall be capable in law and equity, to take and hold to them and their successors, for the use of said academy, lands, goods, chattels and moneys of every kind whatsoever, by gift, grant, conveyance, devise or bequest, from any person or persons whomsoever, capable of making the same; and the same from time to time, to sell, convey or dispose of, for the use of said academy; and to erect such buildings as may be necessary, and to make, have and use, a common seal, and the same to break or alter, at pleasure; and generally, to do all and singular, the matters

Name and style.

Privileges and franchises.

and things which shall be lawful for them to do, for the well being of the said academy, and due management and ordering of the affairs thereof.

SECTION 2. And the first election of trustees shall take place on the first Friday, in August, in the year one thousand eight hundred and forty, and on the same Friday thereafter, annually, at the school house, in the township of Byberry, in Philadelphia county, and the said election shall commence at the hour of one o'clock, P. M. and continue until five o'clock, P. M. and shall be conducted by two managers, who shall be appointed by a majority of the citizens qualified to vote, who may be present at the time of commencing said election; and every election thereafter, shall be held at the academy hereby incorporated. No person shall be allowed to be a trustee, or vote, unless he be a stockholder. The vote shall be given by ballot, and each ticket shall be labelled on the outside "Trustees of Byberry Academy;" and at the first election, shall contain the names of six persons, and the six having the greatest number of votes, and being qualified according to the provisions of this act, shall be the trustees for the ensuing year, and until their successors are elected. The managers shall certify the result of the election, to each person so elected.—As soon as convenient after the election, the said trustees shall, by lot, divide themselves into three classes, of two each. The term of office of the first class, shall expire in one year after their election; that of the second, in two years; and that of the third, in three years: and after the first election, but two trustees shall be elected annually, to serve for a period of three years. The board of trustees shall have power to fill vacancies; to appoint their president yearly, who shall be one of the elected trustees, and they shall have power to enact such by-laws, as may be necessary, not being inconsistent with the constitution and laws of the United States, or the constitution and laws of this commonwealth; and four of the said trustees shall constitute a quorum, and a quorum may, in the absence of the president, appoint a president, pro tempore. The said board of trustees shall appoint a secretary and treasurer, yearly; but they shall have power to remove either, whenever a majority of the board shall think it proper. The treasurer shall, before he commences the duties of his office, give a bond to said corporation, with one or more good sureties, to be approved of by a majority of the managers, for a penal sum double the estimated amount for the time being of the funds of the corporation, conditioned for the performance of his duties enjoined, and the re-payment of moneys received, by him.

SECTION 3. The treasurer shall receive and hold all moneys belonging to the institution, and pay the same only to the order of the board, signed by the president and secretary, or by a majority of the trustees; and he shall keep fair accounts

Annual election first Friday in August.

How conducted.

Vacancy, how filled.

Treasurer to give bond.

Treasurer's duties.

thereof, to be open at all seasonable hours, for the inspection of all persons who may have contributed to the funds of said institution ; and the said trustees and treasurer shall annually, in the month of January, exhibit all their books, vouchers and accounts of every kind, before the said board of trustees, to be settled and adjusted ; and any balance found due the institution, shall be entered of record, in the court of common pleas of said county, and become a lien, and be collected in the same manner and under the same regulations, as other judgments are collected ; saving to the accountant and the corporation, the right to appeal to the next court of common pleas, after said report : Every trustee or treasurer, who shall neglect or refuse to exhibit his books, accounts and vouchers, as aforesaid shall forfeit the sum of forty dollars, to be recovered as debts of a similar amount are now by law recoverable, in any action (brought by a person qualified to vote for trustees,) in the name of said corporation ; one-half to be recovered for the use of the academy, and the other half, for the use of the prosecutor.

SECTION 4. No misnomer of said corporation, shall defeat or annul, any gift, grant, devise or bequest, to or from, said corporation : *Provided*, That the intent of the parties, shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest, was intended to pass, to or from, said corporation.

SECTION 5. Nothing in this act, or any other law of this commonwealth, shall entitle the said academy to receive the appropriation, granted to female seminaries, by the fourth section of the act of the twelfth of April, one thousand eight hundred and thirty-eight, entitled a supplement to an act to consolidate and amend the several acts, relative to a general system of education by common schools, passed the thirteenth of June, eighteen hundred and thirty-six.

SECTION 6. The legislature reserves the right to revoke, alter or annul, the charter hereby granted, at any time they may think proper.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventh day of February eighteen hundred and forty.

DAVID R. PORTER.

[No. 10.]

A N A C T

Dividing the Incorporated township of Moyamensing, in the county of Philadelphia; the borough of Erie, and the borough of Pottsville, into wards, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the township of Moyamensing, in the county of Philadelphia, shall be and hereby is divided into four wards, in manner following: That is to say, so much of the said township, as lies east of the centre of Seventh street, and north of the centre of Carpenter street, shall be the first ward: 1st ward. so much of the said township, as lies between the centre of Seventh street and the centre of Eleventh street, and north of the centre of Carpenter street, shall be the second ward: so 2d ward. much of the said township, as lies west of the centre of Eleventh street, and north of the centre of Carpenter street, shall be the third ward; and so much of the said township, as lies south of the centre of Carpenter street, shall be the fourth 4th ward. ward.

SECTION 2. The ward elections in the said township, shall be held on the third Friday of March next, and annually thereafter, at the following named places—that is to say: Elections, when held.

First ward, at the public house now occupied by Philip Eleman.

Second ward, at the Commissioner's hall.

Third ward, at the public house now occupied by John Snyder.

Fourth ward, at the public house now occupied by John Pascal:

Provided, That if at any time hereafter, it shall become necessary, it shall and may be lawful, for the qualified voters of each of the said wards, to change the place of holding the said elections of their respective wards, to such other places in the same ward, as may be most convenient for them, in the same manner and under the same regulations, as are now by law provided, for changing the place of holding ward elections, in the city of Philadelphia. Proviso.

SECTION 3. The election on the third Friday of March next, shall be conducted by the following officers, viz:

Officers.

For the First ward: Inspectors—David Rambo, Thomas Smith. Judge—John Davis.

For the Second ward: Inspectors—Joseph Yeager, Isaac Smyth. Judge—Charles Clarkson.

For the Third ward: Inspectors—John Snyder, William Moore. Judge—Edward O'Donnell.

For the Fourth ward: Inspectors—Thomas Barnett, William Heffner. Judge—William Mountain:

Powers and duties of inspectors, &c.

Who shall have all the powers, and perform all the duties, and be subject to all the regulations, that are by law prescribed for inspectors and judges of elections; and it shall be the duty of the constables of the said township, to perform the duties required by law of the constables of the several wards and townships, in relation to ward elections, so far as relates to the election, on the third Friday of March next.

Constable, how elected.

SECTION 4. It shall hereafter be lawful, for the qualified voters of each ward annually, at the same time and place of holding the ward elections, to elect for the wards in which they respectively shall reside: one suitable person to act as constable, who shall be a resident of the ward for which he shall be elected.

Election of commissioner's

SECTION 5. The election of commissioners of the said township, shall hereafter be held on the second Tuesday in October, at the same time and places of holding the general election; and it shall be the duty of the judges of said election, to meet at the Commissioner's hall, at ten o'clock, on the morning of the Wednesday next after the election, to add together the votes given for commissioners, who shall forthwith give to each of the persons having the highest number of votes, a certificate of his election, and deposite with the Prothonotary of the court of Quarter sessions, a copy of the returns of the said election. The commissioners elect, shall meet together, with the ten whose time shall not have expired, on the first Monday of November next, following each and every election, and perform such duties as are now required by law.

Certificate of election to be given.

Expiration of term of commissioners.

SECTION 6. The term of office of the commissioners elected in May, one thousand eight hundred and thirty-seven, shall expire on the first Monday of November, one thousand eight hundred and forty: those elected in May, one thousand eight hundred and thirty-eight, shall expire on the first Monday of November, one thousand eight hundred and forty-one; and those elected in May, one thousand eight hundred and thirty-nine, shall expire on the first Monday of November, one thousand eight hundred and forty-two.

Borough of Erie, divided into 2 wards.

SECTION 7. That the borough of Erie be and the same is hereby divided into two separate wards, in manner following, to wit: All that part of said borough, east of State street, to

compose one ward, to be called "East ward;" and all that ^{East ward.} part of said borough on the west side of said State street, to compose one ward, to be called "West ward:" That each of ^{West ward.} said wards shall be a separate election district, and each elect two Justices of the Peace, with the right to increase the same ^{Each ward to elect 2 justices} whenever the inhabitants of said wards respectively shall determine said increase to be necessary, agreeably to the provisions of the constitution; and the qualified electors of each of ^{and other officers.} said wards, shall, on the third Friday of March next, and annually thereafter, agreeably to the provisions of existing laws, elect one constable; one member of the town council; one overseer of the poor; one school director; two auditors; one assessor; one judge and two inspectors of elections, for each ward, and vote one person for burgess, and one person for high constable of said borough; and the proper returns thereof made in the manner designated in the act incorporating the borough of Erie, and the existing election laws of this commonwealth.

SECTION 8. That the elections by the citizens of the said wards, shall be held in the Court house, in the said borough of Erie, and the electors of each said wards shall meet at the ^{Election 3d Friday in March.} court house, on the third Friday of March next, and between the hours of eight and nine o'clock, A. M. choose one person who shall be judge, and two persons who shall be inspectors, ^{Judge and inspectors.} which said judge and inspectors, shall respectively, take an oath or affirmation, to conduct the ensuing election with impartiality and fidelity; and shall thereupon, appoint the requisite number of clerks, and proceed forthwith to hold said election, which shall be conducted in all respects as directed by the act incorporating the borough of Erie, and as elections for constables, are now by law provided to be conducted. ^{Clerks, how appointed.}

SECTION 9. That the borough of Pottsville, Schuylkill county, be and the same is hereby divided into two separate ^{Borough of Pottsville, divided into two wards.} wards, in manner following, to wit: All that part of said borough, north of Norwegian street, to compose one ward, to be called "North ward;" the elections for which to be held at ^{North ward.} the public house of Nathaniel J. Mills: and all that part of said borough, on the south side of said Norwegian street, to compose the other ward, to be called "South ward;" the ^{South ward.} elections to be held at the White Horse Hotel.

SECTION 10. Each of said wards shall elect two justices of ^{To elect 2 justices.} the peace, with the right to increase the same, whenever the inhabitants of said wards respectively shall determine said increase to be necessary, agreeably to the provisions of the constitution; and each of said wards shall respectively elect one ^{Each ward to elect 1 constable.} constable: said elections to be held, at the same time and in the

same manner, as township elections are directed to be held, throughout this commonwealth.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The thirteenth day of February, eighteen hundred and forty.

DAVID R. PORTER.

[No. 11.]

A SUPPLEMENT

To an act entitled an act, relating to the Elections of this Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That so much of the fifty-third section of the act, entitled an act, relating to the elections of this commonwealth, as relates to the time of electing township officers, in the county of Tioga, be and the same is hereby repealed; and that the township elections in said county, shall hereafter be held, on the third Friday in February, in every year.

Township
election in
Tioga county,
to be held 3d
Friday in
February.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The thirteenth day of February, eighteen hundred and forty.

DAVID R. PORTER.

[No. 12.]

A N A C T

To incorporate the Laurel Fire Company of the borough of York.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Alexander Small, Adam Klinefelter, Peter E. Wilt, John Voglesong, Charles Metzler, William Eurich, Daniel Eichelberger, William W. Reed, Benjamin Lanius, James Grof, Daniel Immel, Daniel Hartman, Alexander Spangler, Henry Lehman, Theodore Jacobs, Pitner Emmit, Charles Stroman, William Clever, Morris I. Gardner, John Kolb, Benjamin Updegraff, Daniel Lehman, Henry Rupp, John Wisenall, Henry Heartzog, Samuel Decker, Isaac Elliot, Henry Koch, George A. Heckert, Israel Kolb and Benjamin Welker, shall be and they are hereby, created and declared to be one body politic and corporate, by the name, style and title of the "Laurel Fire Company of the borough of York," and by the same name have perpetual succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of record or elsewhere; and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels of what nature, kind or quality soever, real, personal or mixed, or choses in action; and the same, from time to time, to sell, grant, alien or dispose of: *Provided,* That the clear yearly value or income of the necessary houses, lands and tenements, rents, annuities or other hereditaments and real estate of the said corporation; and the interest of the money by it lent, shall not exceed the sum of five hundred dollars: and also, to make and have, one common seal, and the same to break, alter and renew at pleasure; and also, to ordain, establish and put in execution, such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter, or to the constitution and laws of the United States, or this commonwealth: and generally, to do all and singular, the matters and things, which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering of the affairs thereof.

Name and
style.

Powers and
privileges.

SECTION 2. That the following shall be the fundamental articles of said company:

ARTICLE I.

The object of this company shall be the extinguishment of fires, and the relief of such of their members, as may suffer by fire.

Object.

ARTICLE II.

Officers.

The officers of the company shall consist of a president, secretary, treasurer and board of engineers, (whose number shall be fixed by the company,) who shall be elected by ballot annually, and the duties of the aforesaid officers, shall be particularly enumerated in the by-laws: Vacancies to be supplied at any time, by notice thereof, given to the said company, by any of the officers.

ARTICLE III.

Meetings.

Stated meetings shall be held at least quarterly, and special meetings in such manner, as the by-laws shall direct: twelve members shall constitute a quorum, and a majority of those convened, shall govern, except in an alteration of the by laws, or expulsion of a member, when the concurrence of two thirds of the members present, shall be required, and the matter be proposed, at a preceding stated meeting.

ARTICLE IV.

Elections.

Elections for members shall be by ballot, and the company may bestow the privilege of honorary membership, under such regulations, as the by-laws may prescribe.

ARTICLE V.

Fees and fines

Each person shall be liable to an entrance contribution, on admission to membership, and to such fines as the by-laws may prescribe, and his resignation of membership shall not be accepted, until his dues are paid or remitted.

ARTICLE VI.

Officers, how removed.

Any member may be removed from office, or expelled from the company, for neglecting an attendance at the meetings and fires, for one year; for a violation of these articles; for breach of trust, or improper conduct: *Provided*, He is afforded an opportunity of making a defence before the company.

ARTICLE VII.

Charitable fund.

The members being associated for the public good, and for the individual relief of each other, the company may establish a charitable fund, to relieve such of their members, as may suffer by fire, under such regulations, as the by-laws may prescribe and declare.

Banking privileges prohibited.

SECTION 3. That nothing in this act contained, shall be deemed to authorize the said company, to engage directly or indirectly, in any banking, moneyed, commercial, mining or manufacturing concerns, or to act in any other way, than as a fire company.

SECTION 4. That this act shall continue in force fifteen years from the passing thereof, and no longer, for the purposes afore-

said; and the legislature reserves the right to alter, amend or Repealing
annul this charter, at any time hereafter. clause.

WM. HOPKINS,
Speaker of the House of Representatives.
W. T. ROGERS,
Speaker of the Senate.

APPROVED—The 13th day of February, one thousand eight
hundred and forty.

DAVID R. PORTER.

[No. 13.]

A N A C T

To incorporate "The Union Fire Company," in Carlisle.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:* That all and every the persons, who shall at the time of passing this act, be members of the association called "The Union Fire company," in Carlisle, shall be and they are hereby, created and declared to be, one body politic and corporate, by the name, style and title of "The Union Fire company," and by the same name, shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of record or elsewhere; and also, the said corporation and their successors, at all times hereafter, be able to purchase, receive, have, hold and enjoy, to them and their successors, all and all manner of lands, tenements, rents, annuities, liberties, franchises and other hereditaments, goods and chattels of what nature, kind or quality soever, real, personal or mixed, or choses in action; and the same from time to time, to sell, grant, demise, alien and dispose of: *Provided,* That the clear yearly value or income of the said corporation, shall not exceed thirteen hundred and thirty-three dollars and thirty-three cents; and also, to make and have, a common seal, and the same to break and renew at pleasure; and also, to ordain, establish and put in execution, such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corpor-

Company in-
corporated.
Style and title
Powers and
privileges.
Proviso.
Seal.
By laws.

ation, not being contrary to the constitution and laws of the United States, or of this commonwealth: And generally, to do all and singular, the matters and things which to them shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering of the affairs thereof.

Banking privileges prohibited. SECTION 2. Nothing in this act contained, shall be deemed to authorize the said company to engage, either directly or indirectly, in any banking, moneyed, commercial or manufacturing concern, or to act in any other way, than as a fire engine and hose company.

Repealing clause. SECTION 3. The legislature reserves the power to alter, revoke or annul the privileges and charter hereby granted, whenever in their opinion the same may be injurious to the citizens of the commonwealth, in such manner, however, that no injustice shall be done to the corporators.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The thirteenth day of February, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 14.]

A N A C T

For the relief of David White, and others, soldiers and widows of soldiers of the Revolutionary and Indian wars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the State Treasurer be and he is hereby

Annuities and gratuities of \$40 to David White and others. authorized and required to pay to David White, of Allegheny county; Michael Spatz, of Berks county; William Rice, of Philadelphia county, soldiers: and to Ann Hunter, of Westmoreland county; Elizabeth Witman, of Berks county, and Sarah Sturges, of Delaware county, widows of soldiers of the Revolutionary and Indian wars, or to their respective orders,

for dollars each, immediately as a gratuity ; and an annuity of forty dollars annually, during life, payable half yearly, to commence on the first day of January, Anno Domini, one thousand eight hundred and forty.

SECTION 2. The State Treasurer is hereby authorized and required to pay to Elias Black, of Bucks county, or to his order, for John Calhoun, of the said county, a soldier of the Revolutionary war. The said sum of forty dollars, be granted as a gratuity to the said John Calhoun, for military services rendered, and are to be expended, by the aforementioned trustees, in procuring such comforts and necessities, as the circumstances of the grantee, may seem to require.

SECTION 3. The State Treasurer is hereby authorized and required to pay to Elizabeth Heindall, of York county, widow of a soldier of the Revolutionary war, eighty dollars immediately, as a gratuity and an annuity of forty dollars annually, during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and forty ; And so much of the second section of an act entitled " an act, for the relief of Lawrence Christ, and others, soldiers and widows of soldiers of the Revolutionary and Indian wars," passed on the twenty-fifth day of June, Anno Domini, one thousand eight hundred and thirty-nine, as grants a gratuity and annuity to Elizabeth Kendall, of York county, shall be and the same is hereby repealed. The foregoing gratuities and annuities, to be paid, in conformity with the existing laws.

SECTION 4. That so much of the third section of the act, passed on the twenty-first day of June, one thousand eight hundred and thirty-nine, entitled " an act for the relief of William Moreland, and others, soldiers and widows of soldiers of the revolutionary and Indian wars," as bestows a pension on John Shroder, of Allegheny county, was and is intended for the benefit of a certain John Shrodes, of the said county ; and that any payment or payments, heretofore made, under the authority of said act to the said John Shrodes, be and the same is and are hereby ratified and confirmed.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The 13th day of February, 1840.

DAVID R. PORTER.

[No. 15.]

A N A C T

Authorising the commissioners of the county of York, to borrow a sum of money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the commissioners of the county of York, are hereby authorized and empowered to borrow any sum or sums of money, not exceeding, in the whole, forty-five thousand dollars, at any rate of interest, not exceeding six per centum per annum, in the name and upon the faith, credit and responsibility of the said county; and to make such provision out of the taxes of the said county, from time to time, as may be necessary to pay the interest upon such loan or loans, and to redeem the principal at such times, and in such manner, as may be conformable to the terms upon which the same may be taken.

Comm'rs. of
York county,
to borrow a
sum not ex-
ceeding
\$45,000, at
an interest not
exceeding 6
per centum,
upon faith of
county.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The thirteenth day of February, eighteen hundred and forty.

DAVID R. PORTER.

[No. 16.]

A N A C T

To incorporate "The Cumberland Fire Company," in Carlisle.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That all and every the persons who shall, at the time of passing this act, be members of the association called "The Cumberland Fire company," in Carlisle, shall be and

Company in
incorporated.

they are hereby created and declared, to be one body politic and corporate, by the name, style and title of "The Cumber-^{Name and}land Fire company," and by the same name, shall have per-^{style.}petual succession; and shall be able to sue and be sued, implead and be impleaded, in all courts of record or elsewhere: And also, the said corporation and their successors, at all times hereafter, be able to purchase, receive, have, hold and enjoy, ^{Powers and}to them and their successors, all and all manner of lands, tene-^{privileges.}ments, rents, annuities, liberties, franchises, and other hereditaments, goods and chattels of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time, to sell, grant, demise, alien and dispose of: *Provided*, That the clear yearly value or income of the said ^{Proviso.}corporation, shall not exceed thirteen hundred and thirty-three dollars and thirty-three cents; and also, to make and have a common seal, and the same to break and renew at pleasure; ^{Seal.}and also, to ordain, establish and put in execution, such by-^{By-laws.}laws, ordinances and regulations, as shall appear necessary and convenient, for the government of the said corporation, not being contrary to the constitution and laws of the United States, or of this commonwealth; and generally, to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering of the affairs thereof.

SECTION 2. Nothing in this act contained, shall be deemed ^{Banking priv-}to authorize the said company to engage either directly or in-^{ileges prohib-}directly, in any banking, moneyed, commercial or manufac-^{ited.}turing concern, or to act, in any other way, than as a fire engine and hose company.

SECTION 3. The legislature reserves the power to alter, ^{Repealing}revoke or annul, the privileges and charter hereby granted, ^{clause.}whenever in their opinion the same may be injurious to the citizens of the commonwealth, in such manner, however, that no injustice shall be done to the corporators.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The 19th day of February, eighteen hundred and forty.

DAVID R. PORTER.

[No. 17.]

A N A C T

To incorporate the town of Horacetown, in Tioga county, into a borough, to be called the borough of Horacetown, and for other purposes.

Borough of
Horacetown,
in Tioga coun-
ty, incorpor-
ated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the town of Horacetown, in Tioga county, shall be and the same is hereby erected into a borough, which shall be called "the borough of Horacetown," and shall be comprised in the following limits, to wit: Beginning at a post the north west corner of H. Frizelle's land; thence southerly along his west line, to the Tioga river; thence along the westerly side of said river, at low water mark, to a point opposite to the north line of Thomas and Obadiah Inschos's land; thence easterly to and along Inschos's land to lands of Ansel Bascom, and along Bascom's line to the south east corner; thence northerly along his east line to the north east corner; thence westerly, to the place of beginning.

Who may
vote at elec-
tions.

Elections 1st
Monday in
January.

Borough offi-
cers.

Judge, inspec-
tor and clerk
elections.

Duties of
Judge, &c.

A separate
election and
school district.

SECTION 2. That it shall be lawful for all persons entitled to vote for members of the legislature, who have resided in said borough three months previous to such election, to meet at the house of S. Mosher, in said borough, on the first Monday in June next, and at such place as a majority of the Town Council may determine on the first Monday in January, annually thereafter, and then and there elect by ballot, between the hours of one and six o'clock of the same day, one person, being freeholders, for Burgess, and three persons to be Town Council; and also, at the same time elect two persons residing therein, as Justices of the peace, and three persons for School directors; one person for Assessor, and one person for Constable, and one for Supervisor, and one for Treasurer. But previous to such election, the inhabitants present, shall elect by ballot, one person for Judge; one for Inspector, and one for Clerk, which election shall be conducted according to the election laws of this commonwealth.

SECTION 3. That it shall be the duty of the judge, inspector and clerk, to certify to and return their proceedings to the court of Quarter sessions of Tioga county, to be filed on record, and the officers so elected, shall perform the duties of their respective offices, and be accountable to the court of quarter sessions, the same as township officers; and the said borough shall be a separate election and school district, and the general election shall be held at the house of H. Frizelle, in said borough: that the collector shall be appointed by the county commissioners, for collecting the county rates and

levies; and such collector shall collect all borough taxes on the warrant of the Burgess, and shall be entitled to the same compensation as is allowed to township collectors, and be subject to the same penalties for neglect or refusal: That the act passed the 19th day of February, eighteen hundred and twenty-eight, incorporating the borough of Middletown, not supplied above, shall be the law for the borough of Horacetown, in Tioga county.

Act incorporating borough Middletown, 19th Febr'y. 1828, applied to Horacetown.

SECTION 4. No person shall be excluded from being a witness, juror or arbitrator, in any action, prosecution or proceeding, which has been or may be instituted in which any borough that has been or may hereafter be incorporated, is a party on record or in interest, by reason of such person being or having been a burgess, member of the council or other officer of such borough, under the charter, ordinances, by-laws, rules or regulations thereof; nor on account of such person or his property being subject to the payment of any tax, or liable to the payment of any expense or penalty, under such charter, ordinances, by-laws, rules or regulations.

Borough officers not excluded from being jurors, witnesses or arbitrators, in action pending against the respective boroughs of which they may be officers.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The nineteenth day of February, eighteen hundred and forty.

DAVID R. PORTER.

[No. 18.]

A N A C T

To enable the taxable inhabitants of Beaver township, Union county, to elect an additional supervisor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the taxable inhabitants of Beaver township, in the county of Union, qualified to vote for members of the House of Representatives of this commonwealth, shall at the annual election for township officers, vote for and elect three

Inhabitants of Beaver township, Union county, to elect three

supervisors. persons, to serve as supervisors of said township: any act hereby altered, is repealed, so far as concerns the said township of Beaver, and no further.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—This 20th day of February, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 19.]

A N A C T

To incorporate the Trenton City Bridge Company.

Preamble. WHEREAS, it is represented to the legislature, by the petition of a number of the inhabitants of the city of Trenton, and vicinity, that the erection of a bridge from the intersection of the Philadelphia road and the road leading from Morrisville to Easton, over the river Delaware to the city of Trenton, at Kirkbride's and Rutherford's ferry, would be of great convenience and accommodation to the public: Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the capital stock of the Trenton City Bridge Company, shall amount to fifty thousand dollars, and \$50,000. the same shall be divided into two thousand shares of twenty-

Shares \$25 five dollars each, and the subscribers to the said capital stock, each. shall pay the sum or sums of money for the share or shares by them respectively subscribed, at such periods and in such proportions, as the directors of the said company may determine.

SECTION 2. That John Kirkbride, William B. Clymer, Samuel Story, Robert P. Lovett, Edward L. Taylor, Daniel Y. Harman, Samuel Gilkeson, James Erwin and Cyrus Cadwallader, of the State of Pennsylvania; and Zachariah Rossel, Crispin Blackfan, Thomas I. Stryker, William Grant and Joshua Wright of New Jersey, be and they are hereby appointed commissioners on the part of this State, who with

Commiss'rs.
on part of
Pennsylv'a.

commissioners to be appointed by the State of New Jersey, shall be authorized to receive subscriptions to the capital stock, at such times and places, as they or a majority of them may direct, giving notice thereof in two of the newspapers printed in the county of Mercer, in the State of New Jersey; and two of the newspapers printed in the county of Bucks, in the State of Pennsylvania, for at least three weeks of the time and places when and where the said subscriptions shall be received; and at the time of subscribing for the said stock, two dollars shall be paid upon each share subscribed for, to the commissioners or some of them, which money shall be deposited in one of the Trenton banks, subject to the drafts of the treasurer of the company as soon as one shall be appointed; and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons as the president and directors of the company shall, from time to time direct, and give public notice of: and upon failure of payment thereof as so directed for thirty days thereafter, the said president and directors shall have power to forfeit the shares of each and every person, so failing to pay the said instalments or any of them, to and for the use of the said company: *Provided*, That if the number of shares subscribed for shall exceed the number of shares authorized by this act to be subscribed for, that the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed, as aforesaid.

Subscription,
how, when
and by
whom received.

\$2 to be paid
on each share
at the time of
subscribing.
Deposit.

Instalments.

Penalty for
neglect of
payment.

Proviso.

SECTION 3. That when fifteen hundred shares are subscribed for, and five dollars paid on each share to the commissioners before appointed, the said commissioners or a majority of them, shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the Governor: and thereupon it shall and may be lawful for the Governor, by letters patent under his hand and the seal of the State, to create and erect the subscribers, and if the said subscription be not full at the time, then also, those who shall subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "the Trenton City Bridge company," and by that name shall have perpetual succession and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of purchasing, taking and holding to them and their successors and assigns in fee-simple or for any less estate, all such lands, tenements, hereditaments and estates, real and personal as may be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose of at their pleasure; and of suing and being sued, and doing all and every other matter and thing which a corporation or body politic may lawfully do.

Letters Patent.

Name and
style.

Privileges and
franchises.

Notice of organization. Officers and agents. By-laws. Proviso.

SECTION 4. That when the said fifteen hundred shares of the said capital stock shall be subscribed and five dollars paid on each share as aforesaid, it shall be the duty of the said commissioners to give notice in two newspapers printed in the county of Mercer, in the state of New Jersey; and in two newspapers printed in the county of Bucks, in the state of Pennsylvania; of a time and place by them appointed, not less than twenty days from the time of issuing the said notice, at which time and place the said stockholders shall proceed to organize the said company, and shall choose by ballot, by a majority of votes to be delivered in person or by proxy, one president; one treasurer; six directors, and such other officers as they shall think necessary to conduct the business of the said company for one year, or until other officers shall be appointed, and may make such by-laws and regulations, not inconsistent with the laws and constitution of this State, the state of New Jersey, or the United States, as shall be necessary for the well ordering of the affairs of the said company: *Provided always*, That every share of the capital stock, to the number of twenty, shall entitle the owner to one vote, and for every five shares above that number, one vote, at any election or in determining any question, arising at such meetings whatever.

Annual election.

SECTION 5. That the said stockholders shall meet on the second Monday in January, in every succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing such officers for the ensuing year.

Certificates. Transferable.

SECTION 6. That the president and directors first to be chosen as aforesaid, shall issue certificates of stock to the several stockholders respectively, signed by the president and countersigned by the treasurer of said company, which certificates shall be transferable at his or her pleasure, in person or by attorney, subject however, to the payments due and that may grow due thereon, and the assignee holding any certificate, having first caused the assignment or transfer to be entered in a book of the company, to be kept by the treasurer for that purpose, shall for every share of stock so held by him or her, be entitled to his or her equal proportion of the said capital stock, and of all estates and emoluments of the said company, and to vote as aforesaid at the meetings thereof.

Who may vote.

Quorum and chairman.

SECTION 7. That the said president and directors shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business: at such meetings five members shall be a quorum, who in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers, as they shall think necessary to carry on the

said bridge and complete the same; and to fix their salaries and other wages; to determine the time, manner and proportions in which the stockholders shall pay the money due on their respective shares; to draw orders on the treasurer for all moneys that may be required; the same to be signed by the president or chairman, and to be countersigned by the clerk of the board, and to do and to transact all matters and things as by the by-laws and regulations of the said company may be lawful.

SECTION 8. That after the place for the erection of the said bridge shall be fixed, and before the said president and directors shall proceed to erect the same, it shall and may be lawful for the president and directors to contract and agree with the owner or owners of any lands and tenements for the purchase of so much thereof, as shall be necessary for the purpose of erecting and perfecting the said bridge and toll-houses, making and establishing all the necessary works and roads, to and from the same, if they can agree with the owner or owners of the same; but in case they cannot agree, then it shall and may be lawful for the said president and directors to apply to one of the justices of the supreme court of either State, not being a stockholder or otherwise interested, who upon such application is hereby authorized and directed to appoint three discreet and disinterested freeholders, who after being duly sworn or affirmed before any justice of the peace, faithfully to perform the duties enjoined on them by this act, shall proceed to view and examine the said banks, and all such lands and tenements as shall be necessary for the purpose of erecting and perfecting the said bridge, and making and establishing all necessary works and roads to and from the same, and shall according to the best of their skill and judgment, ascertain and estimate the injury and damage that will be sustained by the owner or owners of such lands and tenements so necessary to be taken as aforesaid, and shall report what sum shall be paid by said company for the same, which report shall be made in writing, under their hands and seals or under the hands and seals of any two of them, and shall return the same, together with a map, describing the metes and bounds of such lands and tenements to the supreme court next after they shall have agreed upon, and signed the same, and the said report having been confirmed by the said supreme court, shall be filed in the clerk's office of the said court, with the map aforesaid, and the said president and managers having paid the said owners respectively the several sums awarded to be paid to them, in and by the said report, together with the fees of the said arbitrators, at the rate of two dollars a day, employed in the said business, and their necessary expenses: the said company shall be entitled to have and to hold to them and their successors and assigns for ever, the said lands and tenements,

To purchase
necessary
lands.

If cannot
agree.

Supreme
court to ap-
point viewers.

To report in
writing, with
a map.

View to be
confirmed by
Supreme
court.

Report final. as fully and as effectually as if the same had been granted to them by the respective owners thereof, and it shall and may be lawful thereupon, and not before, for the said president and directors to enter upon the said lands and tenements, and to commence and complete the erection of the said bridge.

SECTION 9. That it shall and may be lawful for the president and directors aforesaid, their superintendents and engineers and artists of every kind to enter into and upon all lands and inclosures near to the place where the said bridge is to be built, and to examine the ground for the purpose of obtaining stone gravel or sand necessary for the building the said bridge, and it shall and may be lawful for the said directors, overseers, superintendents or any other person employed in building the said bridge, to enter with wagons, carts, sleds or sleighs, or beasts of burden, or daught of any kind whatsoever, first giving notice to the owners, doing as little damage as possible, and repairing any breaches of fences they may have occasion to make, and first making amends for any damages that may be done, which damages shall be ascertained by the parties if they can agree, or if they cannot agree, then by appraisement thereof, to be made upon oath or affirmation of three indifferent freeholders of the neighbourhood or any two of them to be mutually chosen, or if the owner or managers or superintendents, engineers or artists, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders to be appointed by any justice of the peace of the county, not interested on either side; and the said managers or other persons by them employed as aforesaid, after tender of the appraised value to the owner, may enter and dig, take and carry away, any stone, gravel, sand or earth most conveniently situated, for making and repairing said bridge.

SECTION 10. That the president and directors of the said company, shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the stockholders, and of the amounts of the profits on shares that may be forfeited as aforesaid, and of all voluntary contributions; and also, of all moneys by them expended in the prosecution of the said work, and shall at least once in each year, submit such accounts to a general meeting of the stockholders until the said bridge be completed, and until all the costs, charges and expenses for effecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained.

SECTION 11. That when a good and complete bridge is erected over the said river Delaware at the place aforesaid, the property of the said bridge shall be vested in the said company aforesaid, their successors and assigns forever; and the said company, their successors and assigns, may demand and re-

Enter on
lands.

Disputes to
be settled by
viewers.

Whose report
to be final.

To keep regu-
lar account of
all moneys.

Property to
vest in com'y.

ceive toll from travellers and others, not to exceed the follow- Rates of toll.
ing rates :

For every coach, landau, chariot, phaeton or other pleasure carriage with four wheels drawn by four horses, the sum of sixty cents :

For the same carriage drawn by two horses, the sum of forty cents :

For every farm or market wagon, with four horses, the sum of forty cents :

For the same with two horses, the sum of thirty cents :

For every chaise, riding chair, sulky, cart or other two wheel carriage, or sleigh, or sled drawn by two horses, the sum of thirty cents :

For the same with one horse, the sum of fifteen cents :

For a single horse and rider, the sum of ten cents :

For every led or driven horse or mule, the sum of five cents :

For every head of horned cattle, the sum of three cents :

For every foot passenger, the sum of two cents :

For every sheep or swine, the sum of one cent :

Provided, All persons going to and returning from funerals : persons going to or returning from meeting or church on the Sabbath ; and children going to or returning from school, shall pass free of toll : *Provided also*, That in fixing the toll of all carriages to be drawn wholly by oxen, or partly by horses and partly by oxen, two oxen shall be estimated equal to one horse, and the said company shall so erect the said bridge as in no wise to injure the channel or obstruct the navigation of said river, so as to prevent boats or rafts from passing. Proviso.

SECTION 12. That if any person or persons shall wilfully cut, destroy, break or remove from the said bridge or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials whatsoever belonging to said bridge or otherwise, wilfully or maliciously damage the same, he, she or they so offending, shall forfeit and pay for every such offence over and above the damages done to the said bridge, the sum of thirty dollars, to be sued for and recovered by the said company, in any court having cognizance thereof. Fines for damage.

SECTION 13. That if the said company, their successors or assigns, or whoever shall own or possess the said bridge, shall collect or demand any greater rate or prices for the passing over the said bridge than what are herein before prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending, shall for every such offence, forfeit and pay the sum of thirty dollars ; one-third thereof for the use of the poor of the city of Trenton, and one-third thereof for the use of the poor of the county of Bucks, and state of Pennsylvania, and the other third for the use of the person who may sue for the same : *Provided always*, To collect no greater rate of toll under penalty.

That no suit or action shall be brought, unless within thirty days after such offence shall be committed.

To compen-
sate owners of
fisheries.

SECTION 14. That the said president and directors shall have power to agree with any owner or owners of ferries or shad fisheries that may be injured by the erection of the said bridge, and to compensate them for any damages they may thereby sustain; and if they cannot agree with such owner or owners, then and in such case the said damages shall be ascertained and paid in the same manner as is provided for in the eighth section of this act: *Provided*, That no person shall receive any compensation for ferrying at any ferry which shall have been purchased and paid for by the said company, after the said bridge shall have been completed.

Dividends.

To be publish-
ed.

SECTION 15. That the said president directors and company shall also keep a just and true account of all and every the moneys received by their respective collectors of tolls for crossing said bridge, and shall make and declare a dividend of the profits and income thereof among the stockholders of said company, deducting first therefrom all contingent costs and charges, and such proportion of the said income as may be deemed necessary for a growing fund to provide against the decay, and for the rebuilding and repairing of the said bridge; and shall on every second Monday in January and July, in each and every year, publish the dividend to be made of the clear profits thereof among the stockholders, and of the time and place where and when the same shall be paid, and shall cause the same to be paid accordingly.

When act to
take effect.

SECTION 16. That this act shall not take effect or go into operation until the legislature of the state of New Jersey shall pass a law appointing commissioners on their part, and vesting like power and authority in the subscribers to the said capital stock, of erecting a bridge at the place aforesaid, and of extending the same from shore to shore, with as full and ample powers, privileges, franchises and emoluments as to the said company is hereby given.

Not to Bank.

SECTION 17. That the said company shall not employ any of their funds in banking operations.

Charter may
be annulled.

SECTION 18. That nothing in this act contained shall be so construed as to authorize the said Bridge company to exercise any banking privileges whatsoever, or to issue any notes in the nature of bank notes. The legislature reserve the right of altering, modifying or amending this charter, whenever they think proper.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twenty-fourth day of February, one thousand eight hundred and forty. DAVID R. PORTER.

[No. 20.]

A N A C T

To establish a court for the trial of crimes and misdemeanors committed in the city and county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That there shall be established and holden within the city of Philadelphia, a court of record of the name and style of "The Court of General Sessions for the city and county of Philadelphia," which shall be composed of three judges, learned in the law; one of whom shall be president, and each of whom shall receive the same salary and compensation, as are now by law provided for the judges of the court of common pleas for the county of Philadelphia.

SECTION 2. The judges of the said court shall be nominated by the Governor, and shall be appointed by and with the advice and consent of the Senate, to serve for the term of ten years, if they shall so long behave themselves well, and if the said court shall be so long continued; but they shall be removable from office in the same manner as are the respective judges of the court of common pleas, oyer and terminer and general jail delivery and quarter sessions of the peace of the county of Philadelphia, and the several counties of the commonwealth.

SECTION 3. The said judges shall have power and authority to hold and keep a court of record, and shall hold six terms or sessions in the course of each year, which said terms or sessions shall commence on the first Mondays of January, March, May, July, September and November, respectively: It shall have a common seal, a clerk and other necessary officers, and shall have and exercise all the powers incident to a court of record, agreeably to the constitution and laws of this commonwealth.

SECTION 4. The jurisdiction of the court erected by this act shall extend over the whole city and county of Philadelphia: It shall have and exercise exclusive jurisdiction, and cognizance of all matters of which the court of criminal sessions for the city and county of Philadelphia now has jurisdiction and cognizance: And it shall also have and exercise exclusive jurisdiction and cognizance of all matters of which the court of

quarter sessions of the peace for the county of Philadelphia now has jurisdiction and cognizance, excepting the powers, privileges and jurisdiction conferred upon the said court of quarter sessions by the act of the first of April, eighteen hundred and thirty-four, entitled "an act to provide for the incorporation of boroughs;" and also, those which are conferred upon it by an act of the fifteenth of April, eighteen hundred and thirty-four, entitled "an act relative to counties and townships, and county and township officers;" and also, all those which are conferred upon it by the several acts of assembly, relating to the licensing of inns and taverns, which said powers, privileges and jurisdictions conferred upon the said court by the said acts respectively, are not extended to the court created by this act, but shall be and remain exclusively as heretofore, in the court of quarter sessions of the peace, for the county of Philadelphia.

Concurrent
jurisdiction

with oyer and
terminer, &c.

SECTION 5. The court created by this act shall have *concurrent* jurisdiction with the court of oyer and terminer and general jail delivery for the county of Philadelphia, of all cases within the city and county of Philadelphia, which by the act of the sixteenth of June, eighteen hundred and thirty-six, entitled "an act relative to the powers and jurisdictions of courts," are exclusively vested in the courts of oyer and terminer and general jail delivery of the several counties of this commonwealth: And the judges of oyer and terminer and general jail delivery for the city and county of Philadelphia, shall hold courts of the same not oftener than once a year, and only when they shall deem necessary and proper; and if at any time recognizances or complaints are returned by any alderman or justice of the peace or other magistrate of the city and county of Philadelphia, to the judges of the said court of oyer and terminer and general jail delivery, they the said judges shall have power as often as they shall deem expedient and proper, to certify the same to the court hereby created to be proceeded upon therein in the same manner as if they had been originally returned to the said court.

Recognizance
certified from
oyer and ter-
miner to crim-
court.

Of homicide.

SECTION 6. It shall and may be lawful for the said judges of the said court for general sessions of the city and county of Philadelphia, or any two of them, at least twice a year, and oftener if necessary, to hold a court for the trial of cases of homicide; and all the powers, privileges and provisions now belonging to the court of oyer and terminer and general jail delivery of the several counties of this commonwealth, are hereby extended to the said court.

Powers of one
judge.

SECTION 7. Any one of the judges of the court hereby created shall have full power and authority to hold the said court for the trial of all indictments (excepting as aforesaid, in cases of homicide, when as aforesaid there shall be two of the said

judges :) and also for the passing of sentences and for the adjudication of cases of breaches of the peace, master and apprentice, and such as may arise under the poor laws; and the trial or hearing of any case, may notwithstanding the expiration of the session in which it was commenced, be continued until finally determined: *Provided*, That whenever any defendant or defendants shall request the same, there shall be at least two of the judges of the said court present, at the passing of sentence upon the said defendant or defendants. Proviso.

SECTION 8. If the business of the court created by this act, shall at any time require the judges of the said court, may hold separate sessions for the trial of any case. Separate sessions.

SECTION 9. Such part of the duties incident to the court created by this act as is now performed by the clerk of the court of oyer and terminer and general quarter sessions of the county of Philadelphia, shall continue to be performed by the said clerk, and such portion thereof as is now performed by the clerk of the court of criminal sessions for the city and county of Philadelphia, shall continue to be performed by the said clerk, and the said clerks shall be respectively entitled to and receive all the fees and emoluments appertaining to the performance of the said duties: And if at any time previous to the expiration of the respective terms of office for which the aforesaid clerks were elected at the election held within the city and county of Philadelphia, on the ninth day of October, eighteen hundred and thirty-nine, either of them should die, resign or be removed from office, then the survivor of them shall perform all the duties which the said clerk so having died, resigned or been removed, would have been required to perform, and shall be entitled to and receive all the fees and emoluments which the said clerk would have been entitled to receive: And from and after the expiration of the terms of office for which the aforesaid clerks were respectively elected, the entire duties of the clerk of the court created by this act, and of the court of oyer and terminer and quarter sessions of the county of Philadelphia, shall be performed by a clerk elected for the court of general sessions for the city and county of Philadelphia, in the manner prescribed and provided for the election of prothonotaries and clerks of courts by the act of the second day of July, one thousand eight hundred and thirty-nine, entitled "an act to provide for the election of prothonotaries, clerks, recorders and registers:" *Provided*, That the clerk of the court of general sessions for the city and county of Philadelphia, so elected as aforesaid, shall enter into the same bonds and be subject to the same restrictions and liabilities, and pay the same tax on his fees received, to which the prothonotary of the district court of the city and county of Philadelphia is subject, by the existing laws of this commonwealth. Duties of cl'k oyer and terminer.
Duties of cl'k. crim. sessions.
Fees.
Vacancy, how supplied.
Clerk, how elected.

SECTION 10. It shall be the duty of all magistrates and other Magistrate's duties.

officers who are required by law to execute the process of or make returns to, and attend upon the respective courts of oyer and terminer and general jail delivery, quarter sessions of the peace and court of criminal sessions for the city and county of Philadelphia; to execute the process of the court hereby created, and to make returns to and attend upon the same, in the same manner that they are bound to execute the process of or make returns to, and attend upon the aforesaid courts or either of them, and they shall be allowed the same compensation for their services; and it shall be the duty of the judges of this court, and they are hereby directed to appoint four suitable persons for the term of one year respectively, (if they shall so long behave themselves faithfully and well,) and at the expiration of said respective terms of one year, again to appoint four suitable persons to officiate as high constables of the said court whose powers and duties shall be the same as those of the high constables now appointed by the mayor of the city of Philadelphia, and who shall attend upon and execute the process of the said court in such manner and under such regulations as the judges thereof may direct, and who shall receive the same compensation as is now received by the high constables appointed as aforesaid.

Court to appoint 4 high constables.

Duties of constables.

Compensation.

Rules of court SECTION 11. The power and authority vested in the several courts of this commonwealth by the twenty-first section of the act of the sixteenth of June, one thousand eight hundred and thirty-six, entitled "an act relative to the jurisdiction and powers of the courts," to establish such rules for regulating the practice thereof respectively, and for expediting the determination of suits, causes and proceedings therein, as in their discretion they shall judge necessary or proper, are hereby extended to and vested in the court hereby created.

Writs of error SECTION 12. Writs of error from the supreme court to the court of general sessions for the city and county of Philadelphia, shall be issued in the same manner and under the same rules and regulations, as are provided by law for issuing the same to the judges of the respective courts of oyer and terminer and general jail delivery and quarter sessions of the peace for the county of Philadelphia, and the several counties of this commonwealth.

Bench warrants. SECTION 13. Whenever the court of general sessions for the city and county of Philadelphia shall direct attachments or bench warrants to be issued against parties or witnesses, not in proper attendance to the judges or judge thereof, by whom said process was directed to be issued, shall have power to direct that the party or witness brought in on such process, if in default, shall pay the costs of the same, and be otherwise proceeded against for contempt of court, as may be deemed necessary and proper, in such manner as is provided for by the provisions of law relating to contempts, contained in the act of

Contempts.

the sixteenth of June, one thousand eight hundred and thirty-six, entitled "an act relative to the jurisdiction and powers of the courts," and if such party or witness be not in default, then the said judges or judge shall direct the expense of said process to be paid by the county.

SECTION 14. All records and proceedings unfinished or un-Of unfinished disposed of, when the court of general sessions for the city and proceedings. county of Philadelphia, goes into operation, and which are within the jurisdiction of the said court, shall be transferred and certified to the said court, and considered and be disposed of, as if they had originated therein.

SECTION 15. Jurors and grand jurors for the transaction of Selection of the business of the court hereby created, shall be selected, jurors. summoned, drawn and returned in like manner, as is by law provided for the selection, summoning, drawing and returning of the same in the court of oyer and terminer and general goal delivery for the county of Philadelphia, and of the several counties of this commonwealth and of the court of quarter sessions of the peace for the county of Philadelphia, and for the several counties of this commonwealth.

SECTION 16. The commissioners of the county of Philadel-Comm'rs. to phia shall from and after the passage of this act, provide pro- provide suitable, suitable and convenient accommodations for the sessions- ble accommo- of the court created by this act, and for the jurors and grand dation. jurors of the same, in like manner, as is provided by law for other courts within the county of Philadelphia.

SECTION 17. This act shall go into effect and operation on When to take the twenty-ninth day of February, one thousand eight hun- effect. dred and forty, at which time so much of an act passed on the nineteenth day of March, one thousand eight hundred and thir- Repeal of act ty-eight, as provides for the creation of the court of criminal 19th March, sessions for the city and county of Philadelphia, shall cease 1838. and be repealed, and the commissions of the several judges of the said court, shall then expire and be of no effect.

SECTION 18. The first session of the court of general sessions for the city and county of Philadelphia, shall commence on the first Monday of March, one thousand eight hundred and forty: *Provided however*, That the judges may be appointed at any time prior to the twenty-ninth day of February, one thousand eight hundred and forty; their appointment to take effect and be considered, as if made on the said last mentioned day.

SECTION 19. So much of any act or acts of assembly as is hereby altered or supplied, or as is inconsistent with the pro-Repealing vided of this act, is hereby repealed. clause.

SECTION 20. The expenses of the court of general sessions Expenses of for the city and county of Philadelphia, shall be paid as the ex- court, how penses of the criminal courts of the city and county of Phila- paid. delphia are now paid.

Power to annul.

SECTION 21. The power is hereby reserved at any time to abolish the court by this act created, whenever it shall be found to be injurious or inconsistent with public justice or the interests of the community.

WM. HOPKINS,
Speaker of the House of Representatives.
W. T. ROGERS,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, eighteen hundred and forty.

DAVID R. PORTER.

[No. 21.]

“A N A C T

To divide the township of Germantown, into two distinct wards, and for other purposes.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:* That after the passage of this act, the

Township of Germantown divided into 2 wards.

Elections, where held.

township of Germantown, in the county of Philadelphia, shall be divided into two separate wards, to be called “Upper and Lower Ward:” the Upper ward shall embrace and comprise the citizens north-west of Washington lane, in said township, who shall hereafter hold their elections at the public house, known by the name of the Golden Swan, now occupied by Joseph Price: The Lower ward shall embrace and comprise the citizens residing south-east of said Washington lane, who shall hereafter hold their elections at the Union school house, in School-house lane: And it shall be the duty of the judges of the election of the Upper and Lower wards, to meet at ten o’clock in the forenoon, on the day succeeding any election, at the Washington tavern, in Germantown, and there add together all the votes given in the respective wards for the several officers voted for, and shall certify the persons elected officers of the township, and make out returns of the general election, as is prescribed by the act regulating the general election of this commonwealth, passed the second day of July, eighteen hundred and thirty-nine.

SECTION 2. The officers to conduct the elections of said wards on the third Friday of March next, shall be

For the Upper ward: Inspectors—Jacob Derr, William Rose: Judge—Jacob Haas.

For the Lower ward: Inspectors—Joseph Hansberry, Benjamin F. Topham: Judge—Luke Williams:

Who shall conduct the said ward elections according to law; and the constables of the said township shall perform the duties required by law of constables of the several wards of the county of Philadelphia, so far as relates to the ward elections of March next.

SECTION 3. The election of constables in all the incorporated districts of the county of Philadelphia, shall from and after the passage of this act, be held upon the third Friday of March annually.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twenty-seventh day of February, eighteen hundred and forty.

DAVID R. PORTER.

[No. 22.]

A. N. A. C. T.

To authorize the transfer of certificates of State stock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the certificates of State stock for the loan authorized by the act of the twenty-third January last, entitled "an act to authorize a loan," shall be transferable on the books of the auditor general, or at the bank of Pennsylvania, by the owner or owners of the same, his, her or their attorney; and new certificates for the same may be issued by the

Certificates of loan of 23rd January 1840 transferable.

auditor general and State treasurer, or by the president and cashier of said bank, to the new holder or holders thereof.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The second day of March, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 23.]

AN ACT

Authorizing the Faculty of Pennsylvania College to confer the degree of Doctor of Medicine.

Preamble.

WHEREAS, the trustees of Pennsylvania College at Gettysburg, in this State, have established a Medical Faculty in the city of Philadelphia, consisting of the following persons:—George McClellan, Samuel George Morton, William Rush, Samuel Colhoun, Samuel McClellan, Walter R. Johnson, for the purpose of qualifying their pupils and others, for the degree of Doctor of Medicine :

Power of Pa.
college at Get-
tysburg to
confer medi-
cal degrees.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the Medical Faculty of the Pennsylvania college of Gettysburg, be and they are hereby authorized, to confer medical degrees in the city of Philadelphia, under the same rules and regulations in regard to the term of study and the qualifications of the candidates, as may for the time being be adopted by the University of Pennsylvania.

Colleges pro-
hibited from
establishing
any faculty to
confer degrees
in medicine or
the arts.

SECTION 2. That hereafter it shall not be lawful for any College incorporated by the laws of this State, to establish any faculty for the purpose of conferring degrees, either in medicine or the arts, in any city or county of the commonwealth, other than that in which said college is or may be located.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The sixth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 24.]

A N A C T

Authorizing the citizens of North Whitehall, in the county of Lehigh, to elect two additional supervisors in said township, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That from and after the passage of this act, it shall and may be lawful for the qualified electors of the township of North Whitehall, in the county of Lehigh, to elect two supervisors in addition to the number to which they were heretofore entitled by law, at the same time and in the same way and manner that constables, supervisors and other township officers are elected in said township.

Citizens of North Whitehall, may elect 2 additional supervisors.

SECTION 2. That from and after the passage of this act, the electors of the township of Mifflin, in the county of Lycoming, shall elect one additional supervisor for said township, at the time and place of holding their supervisor's election now prescribed by law.

Citizens of Mifflin township, Lycoming county, may elect one additional supervisor.

SECTION 3. That the qualified voters of Turbut township, in Northumberland county, be and are hereby authorized to elect two supervisors, in addition to the number now required to be elected, agreeably to the provisions of existing laws.

Turbut township, Northumberland co. may elect two additional supervisors.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 25.]

A N A C T

Relative to the election of a constable and officers for the borough of Youngstown, in Westmoreland county, and for other purposes.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same: That the qualified electors of the borough of Youngstown, in the county of Westmoreland, shall on the day the constables are elected in the several townships of said county, elect two citizens of said borough, and return the names of the persons so elected, to the next court of quarter sessions of the said county; one of whom shall be appointed by the said court to serve as constable, in the same manner, with like power and authority, and subject to the same regulations and penalties, and give like security, as is provided and contained in the laws now existing, or as may hereafter be enacted concerning constables within this commonwealth; and shall serve and execute all manner of process, which by law may be directed to and served and executed by township constables with like effect, and shall receive for serving and executing such process, like fees as township constables are now by law entitled to receive.

Borough of
Youngstown
authorized to
elect a constable.

Election,
where held.

SECTION 2. That the election for said constables and all other elections for officers of said borough, shall hereafter be held at the public house now occupied by Jacob M. Wise, Esq.; any law to the contrary notwithstanding.

Election, how
held.

SECTION 3. That the first elections for constables aforesaid shall be held by the inspectors and judge of the Youngstown election district of the general election, and notice thereof shall be given agreeably to the existing laws of the commonwealth for the election of township officers.

Borough of
Saltzburg
made a separate
election district,
with power to elect
officers, &c.

SECTION 4. That the borough of Saltzburg, in the county of Indiana, is hereby erected or formed into a separate election district, and that the citizens of the said district shall have the power to elect their own assessors, inspectors and school directors of the general election with all the other rights and privileges of a separate election district, and that the general election shall be held at the school house, in said borough, and that Charles Carrolton, William Dickey and John Guthrie, shall hold the first election in said district, according to the provisions of the general election laws of this State.

Election,
where and
how held.

SECTION 5. That the said borough of Saltzburg is hereby declared, to be separte and distinct from the township of Conemaugh, in the assessment and collection of county and poor rates and levies, as well as any other assessments that have been heretofore jointly made with the said township of Conemaugh, and for all common school purposes, either in regard to the election of directors or levying taxes or any other provision contained in the several laws of the commonwealth, in that behalf: *Provided*, That nothing contained in this act, shall in any manner affect the collection of any taxes now levied and due, that have been assessed for county or school purposes, but that the laws heretofore in force in such cases shall prevail.

SECTION 6. That the constable of said borough, now in office, or who may hereafter be elected shall perform all the duties and enjoy all the official rights and privileges now enjoyed by township constables, according to the laws of this commonwealth.

SECTION 7. That so much of the act incorporating the borough of Saltzburg, in Indiana county, as is altered by the 4, 5, 6 and 7 sections of this act, and is inconsistent with the provisions hereof, be and the same is hereby repealed.

SECTION 8. That so much of the twelfth section of the act, entitled "an act to erect the town of Elizabethtown, in the county of Lancaster, into a borough; and supplementary to the acts incorporating the town of Williamsport and Jersey Shore, and the district of Southwark, and for other purposes," passed the thirteenth day of April, Anno Domini, one thousand eight hundred and twenty-seven, as fixes the time for holding the borough elections in the borough of Washington, in the county of Lancaster, on the second Tuesday of May, in every year, shall be and the same is hereby repealed: and the borough elections for said borough of Washington, for burgess; town council men; high and borough constables, and all other borough officers and justices of the peace, whenever it may be necessary to elect them under the constitution and laws of this commonwealth, shall be held on the first Tuesday of April next, and on the same day annually thereafter, agreeably to the provisions of the original act of incorporation of said borough.

SECTION 9. That the county auditors and commissioners of the county of Tioga, shall be allowed out of the county stock, the sum of two dollars per day each, for each and every day's necessarily attendance upon the duties of their office; and three cents per mile circular, for each and every mile necessarily travelled in discharge of their duties aforesaid: so much of the act of the 15th of April, 1834, as is altered or supplied

Saltzburg separate in the assessment and collection of taxes, &c.

Duties of constable.

Repeal of 4, parts of a former act.

Borough election of borough Washington, Lancaster county, changed to 1st Tuesday in April, annually.

\$2 per day allowed to commissioners & auditors of Tioga county, and mileage.

by this act, is hereby repealed, so far as it relates to the county of Tioga.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS;

Speaker of the Senate.

APPROVED—The seventh day of March, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 26.]

A N A C T

Relative to the election of Borough and Township officers, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That when a borough forms part of a township or townships, composing together one general election district, and which are entitled by the act to which this is a supplement, to separately elect two Justices of the Peace, it shall be the duty of the judge and inspectors elected, to hold the general and township elections of each year, to provide a separate box into which they shall put the tickets voted for justices of the peace for said borough; and the tickets voted for justices of the peace by the qualified voters of the township, shall have the word "Borough," written or printed on the outside; and the tickets voted for justices of the peace by the qualified voters of the borough, shall have the word "Township," written or printed on the outside, and the said judge and inspectors shall count the votes so voted for justices of the peace for said borough, and return the same in like manner, as is provided for in the election of justices of the peace for townships.

SECTION 2. That so much of the borough of Chambersburg, in the county of Franklin, as is north of a line drawn from a point in the middle of Queen-street, where the eastern end of said street strikes the borough line along the middle of said street, until its western end crosses the borough line, is hereby erected into a separate ward, which shall hereafter be called

When a borough and township or townships form a general election district, judges to provide separate boxes, to be labelled "Borough" or "Township."

Chambersburg divided into two wards.

the North ward of said borough ; and all of said borough which lies south of said line, is hereby erected into a separate ward, to be hereafter called the South ward of said borough.

SECTION 3. It shall be the duty of the qualified voters of each of said wards, on the day appointed by existing laws for the election of justices of the peace and constables, to elect two justices of the peace and one constable for each of said wards ; the qualified voters of the North ward shall hold their elections for officers, at the court house in said borough, until the place is otherwise legally changed ; and the qualified voters of the South ward shall hold their elections for said officers, at the house now occupied by Stephen Fairchild, in the said ward, until otherwise lawfully changed ; and the general and special elections for said wards, shall hereafter be held at the same places that the ward elections are appointed to be held by this act : said wards shall belong to the Chambersburg election district, and the judges thereof shall pursuant to the provisions of the act of the second day of July, Anno Domini, one thousand eight hundred and thirty-nine, entitled an act relating to the elections of this commonwealth, join with the judges of the townships of said district, in the appointment of a return judge for the same, to meet the other return judges of Franklin county, at the time and place designated by law.

Each ward to elect 2 justices and 1 constable.

Elections, where held.

To belong to the Chambersburg election district.

Appointment of return judge.

SECTION 4. The inspectors, judge and clerks, who held the general election in October last, shall hold the election at the time appointed by law for justices of the peace and constable for the North ward ; and all vacancies occasioned by death, resignation, removal or any other cause, shall be filled according to the provisions of the fifteenth and sixteenth sections of the act of the second day of July, Anno Domini, one thousand eight hundred and thirty-nine, entitled an act relating to the elections of this commonwealth ; and it is hereby also made the duty of the inspectors, judge and clerks, who hold the general elections for said borough, to hold the ward elections held annually the following year, for the North ward of said borough.

Election, by whom held.

Vacancies.

Ward election, how

SECTION 5. It is hereby made the duty of the high constable of said borough, under the penalty of forty dollars, and in case of his death or removal, of the supervisors of said borough under the same penalty, ten days before the third Friday of March, Anno Domini, one thousand eight hundred and forty, to give notice by at least six written or printed advertisements put up in public places, in the South ward, to the qualified voters thereof, that an election will be held on said third Friday in March, one thousand eight hundred and forty, for two justices of the peace and one constable for said ward ; and also for two inspectors and one judge, to be elected according to the provisions of the ninth section of the act of the second of July, Anno Domini, one thousand eight hundred and thirty-

Duty of high constable.

Notice of elections.

Election of judge and inspectors. nine, whose duty it shall be to hold the next general or special elections, and the next annual ward elections for said South ward, at which time every year two inspectors and one judge for the purpose aforesaid, shall be chosen, and said high constable or supervisors, as the case may be, on the third Friday

Primary election, how held. in March, one thousand eight hundred and forty, as aforesaid, shall appoint one judge and two inspectors to hold said election, and said inspectors shall each appoint one clerk to assist in holding said election: the said judge, inspectors and clerks severally shall before proceeding to the performance of their duties, take and subscribe an oath or affirmation, in accordance with the provisions of the aforesaid act, passed the second day of July, one thousand eight hundred and thirty-nine.

Citizens of North ward to choose 2 inspectors and 1 judge. SECTION 6. At all annual elections held in the North ward of said borough, at the time and place appointed by law for holding ward elections, the qualified voters of said ward, shall elect two inspectors and one judge, in accordance with the provisions of the act of the second day of July, Anno Domini, one thousand eight hundred and thirty-nine, entitled an act relating to the elections of this commonwealth," whose duty it shall be, pursuant to the requisitions of said act to hold all general and special elections in said ward: And the qualified voters of each of said wards, shall also, at the time and place fixed by law for the election of constables, vote for one person for assessor, and likewise for assistant assessors at the time appointed by law for the election of such officers, and the judges of the election of said wards shall meet on the next day after the said elections are held, at the Prothonotary's office of said county, and add up the votes given for assessor or assistant assessors, as the case may be, whose duty it shall be to declare who is elected, and to return the person or persons elected in the manner now required by law.

Duties of judge and inspectors. SECTION 7. The returns of justices of the peace and constables elected in each of said wards, shall be made pursuant to the requisition of existing laws; and all laws inconsistent with this act or which are hereby altered or supplied, are hereby repealed.

Returns, how made. SECTION 8. That the election of borough officers provided for in the act entitled an act to erect the town of New Cumberland, in the county of Cumberland, into a borough, and for other purposes, shall hereafter be held on the third Friday in

Borough of Cumberland; elections how and when held. March, of every year, between the hours of eight and ten o'clock in the morning, and seven o'clock in the afternoon, at the house of John Sourbeck, innkeeper, in the said borough or at such other place as may be fixed from time to time, by ordinance or by law of said borough, which said election shall be conducted by the same persons or officers who hold and conduct the elections for constable, inspectors and assessors, and regulated according to the provisions of the act above recited.

SECTION 9. Notice of the said election shall be given by the high constable of the said borough, by four or more printed or written advertisements, affixed at as many of the most public places therein of the time and place of holding such election. Notice of election to be given.

SECTION 10. That in case the office of high constable of said borough be vacant by death, removal or resignation, notice may be given of said election by such advertisements so put up, signed by at least five of the qualified voters of the said borough. Vacancy.

SECTION 11. That in case such officers who are hereby authorized and required to hold and conduct such elections, shall not have been elected or should not attend at the time and place of holding such election and hold the same, the qualified voters of the said borough, who may be present, shall and may choose a judge and inspectors by election, in such manner as they may determine; which judge and inspectors shall hold and conduct the said election. Remedy in case of failure to elect.

SECTION 12. The qualified voters of the said borough, at the time and place aforesaid, shall be authorized to elect, besides the said borough officers, two justices of the peace, and such other officers as are usually elected in the several townships of this commonwealth, according to the several acts of the general assembly in such cases made and provided, and according to the provisions of the eighth, ninth, tenth, eleventh and fourteenth sections of this act. Election of justices of the peace and other officers.

SECTION 13. The said borough of New Cumberland, shall hereafter form a separate election district. Election district separate.

SECTION 14. The qualified electors of the district of New Cumberland heretofore connected with the said borough, shall when they are assembled for the purpose of holding the township election, in case no officers shall have been elected or shall attend for the purpose of holding said election, shall have power to choose by election in the manner in which they then and there determine, a judge and two inspectors, to hold the said election, who shall severally do and perform the duties enjoined on such officers by law; and notice may be given of the said election by such advertisements as aforesaid, signed by five of the qualified voters of said district, put up as aforesaid. To elect a judge and 2 inspectors. Notice of election, how given.

SECTION 15. In electing inspectors and judges of the general elections for the first election district, in the county of Huntingdon, the qualified voters in which have heretofore voted at the general elections, at the court house, in the borough of Huntingdon, which election district is in part composed of the borough of Huntingdon and part of the township of Henderson, at the time appointed for electing constables, in the several townships in said county, the qualified voters of and in said township and the qualified voters of and in said part of said township, which forms part of said election district, are hereby. Huntingdon county, 1st election district composed of the borough of Huntingdon and township of Henderson, to vote separately.

Judges, when
to meet.

Certificate of
election.

Borough of
Wattsburg to
elect 3rd Fri-
day in March.

Cattawissa
township to
elect 2 constab-
les and 3 su-
pervisors.

Of vacancy.

Bradford
county elec-
tions to be
holden 1st
Friday in Feb-
ruary.

Part of former
act repealed.

by authorized and empowered to vote separately for such inspectors and judges at the places they have heretofore usually held their several borough and township elections, or shall hereafter fix and appoint for the same; and the judges holding said borough and township elections as aforesaid, are hereby authorized and directed to meet together on the succeeding day after the holding of such elections, and add up the votes given for inspectors and judges of the general election of said election district, and declare who are elected inspectors and judge of the same; and within five days thereafter, deliver a certificate of their election to each of the persons so declared to be elected.

SECTION 16. That from and after the passage of this act, the electors of the borough of Wattsburg, in the county of Erie, shall hold their election for borough officers, on the third Friday of March annually.

SECTION 17. That at the time and place for holding constables elections in the township of Cattawissa, county of Columbia, on the third Friday of March next, and annually thereafter, there shall be elected two constables and three supervisors of roads, one of which constables and one of which supervisors, shall at the time of said election and during the time for which he shall be elected, be and continue a resident of the town of Cattawissa, including the old town of Hughesburg and Roberts' addition to said town, and if any vacancy in said offices or either of them should exist between the times for holding said elections, either in consequence of the person elected removing out of the said town, or from any other cause, the court of quarter sessions of said county, on the petition of the citizens of said town, shall appoint some suitable person to fill the vacancy in each of said offices, until the term of the said court next succeeding the time for holding said election; and such person thus appointed having given such security as the court may require, shall have all the same rights and powers, and be subject to all the same duties and responsibilities as if he had been elected by the people: the act of assembly passed the second day of July, eighteen hundred and thirty-nine, so far as the same is hereby changed is hereby repealed.

SECTION 18. The township elections in the several townships and borough of the county of Bradford, shall hereafter be holden on the first Friday of February, in every year; and so much of the fifty-third section of the act, entitled an act relating to the elections of this commonwealth, passed the second day of July, one thousand eight hundred and thirty-nine, as is inconsistent with this section, is hereby repealed.

SECTION 19. That so much of the eighty-first section of the act of the fifteenth day of April, one thousand eight hundred and thirty-four, relating to counties and townships, and county and township officers as requires the election of three supervi-

sors, is hereby repealed as far as respects the townships of Wilkesbarre and Sugar loaf, in the county of Luzerne; and it shall be the duty of the electors of said townships of Wilkesbarre and Sugarloaf, annually, to elect two supervisors, who shall serve for one year, and shall perform the duties and be subject to the responsibilities provided by said act. and Sugarloaf townships to elect 2 supervisors instead of three.

SECTION 20. That so much of the nineteenth section of the Part of former act of the fifteenth April, one thousand eight hundred and thirty-four, as enjoins on the supervisors the duties of overseer of the poor; and so much of the ninety fourth section as abolishes the office of overseers of the poor, and transfers their duties and powers to the supervisors, are hereby repealed in and for the townships of Wilkesbarre and Sugar Loaf, in the county of Luzerne: And it shall be the duty of the electors of said townships annually, to elect two persons who shall perform the duties of overseers of the poor for one year, who shall perform the duties and be subject to responsibilities provided for by the act referred to in the nineteenth section of this act. Wilkesbarre and Sugarloaf townships to elect 2 overseers of poor.

SECTION 21. The town council of the borough of Honesdale, in the county of Wayne, are hereby authorized to open any of the streets, lanes or alleys in said borough, whenever they deem it necessary for the better accommodation of the citizens of said borough. Borough of Honesdale to open streets, &c.

SECTION 22. That it shall be lawful for the qualified voters residing in the borough of Mount Pleasant, in the county of Westmoreland, at the next election for constables and justices of the peace, within this commonwealth, to elect at the house of Andrew Lowrey, in said borough, a constable, who shall be qualified to serve any civil process, and be subject to all the penalties which township constables are now liable, and to receive the same fees for services as township constables are allowed by law to receive, and to be annually elected thereafter. Constables and justices election for the borough of Mt. Pleasant, changed.

SECTION 23. So much of the act approved the seventh day of February, eighteen hundred and twenty-eight, and the act of the twenty-first of February, eighteen hundred and twenty-two, as is supplied by this act, is hereby repealed, so far as relates to the borough of Mount Pleasant. Former acts repealed.

SECTION 24. That all persons entitled to vote for members of the legislature, who have resided in the borough of Muncy, Lycoming county, ten days previous to an election, shall be entitled to vote for all officers of said borough. Borough of Muncy qualifications of voters.

SECTION 25. That the borough of Hollidaysburg, in the county of Huntingdon, shall hereafter compose a separate election district, and the qualified voters residing within said borough, shall hold their general and borough elections for justices of the peace, judges and inspectors of elections, and all borough officers, at the brick school house, in said borough. Borough of Hollidaysburg made a separate election district.

SECTION 26. The sixty-second section of the act regulating election districts and for other purposes, passed the second day

Repeal of 62d of July, Anno Domini, one thousand eight hundred and thirty-nine, shall be and the same is hereby repealed.

SECTION 27. Whenever it shall become necessary for the citizens of any township in any of the counties of this commonwealth, which has been or shall be divided in any way in forming any election district or districts, to elect justices of the peace, judges and inspectors of elections, assessors, constables, school directors or other township officers, in pursuance of any act or acts of assembly, the qualified voters of such township shall meet at the usual place of holding their annual township elections respectively, and shall then and there proceed to elect such officers in the manner now provided for by law, and the returns of such elections shall be made out in the same manner as is now provided for by the laws of this commonwealth; and such township election so held in any township which may be divided as aforesaid, shall be held and conducted only by the judge, inspectors and clerks residing in the district where the place of holding the township election is or may be located; any law to the contrary notwithstanding: *Provided,* That whenever a vacancy happens by death, resignation, removal or otherwise, then the judge or inspector residing in the township and district nearest to the place of holding the township election shall hold and conduct the same.

SECTION 28. It shall be the duty of the judge and inspectors holding and conducting such township election to keep as many separate boxes and separate lists of voters for judges and inspectors of elections as there are election districts or parts of election districts in such township respectively in which they shall deposite the votes of the citizens residing within the limits of such districts or parts of districts for judges and inspectors of the general elections in their particular districts, and the returns thereof shall be made out and certified in conformity with the provisions of the act of the second July, Anno Domini, eighteen hundred and thirty-nine, entitled "an act relating to the elections of this commonwealth;" and in cases where part only of the township forms in connection with other parts of other townships a general election district, the judge holding such township election, shall meet the judge or judges from the other township or townships forming part of such general election district at the place of holding the general election, and the said judges shall then and there proceed to make out a general return from their respective returns, which shall be signed, certified and returned with their several returns in like manner as is now provided for by law.

SECTION 29. It shall be the duty of the secretary of the commonwealth immediately after the passage of this act, to furnish the sheriff of each county in the State, with a certified copy of the first, twenty-seventh, twenty-eighth and twenty-ninth sections thereof; and it shall be the duty of the said

SECTION 30. It shall be the duty of the judge or judges holding such township election, to keep as many separate boxes and separate lists of voters for judges and inspectors of elections as there are election districts or parts of election districts in such township respectively in which they shall deposite the votes of the citizens residing within the limits of such districts or parts of districts for judges and inspectors of the general elections in their particular districts, and the returns thereof shall be made out and certified in conformity with the provisions of the act of the second July, Anno Domini, eighteen hundred and thirty-nine, entitled "an act relating to the elections of this commonwealth;" and in cases where part only of the township forms in connection with other parts of other townships a general election district, the judge holding such township election, shall meet the judge or judges from the other township or townships forming part of such general election district at the place of holding the general election, and the said judges shall then and there proceed to make out a general return from their respective returns, which shall be signed, certified and returned with their several returns in like manner as is now provided for by law.

SECTION 31. It shall be the duty of the secretary of the commonwealth immediately after the passage of this act, to furnish the sheriff of each county in the State, with a certified copy of the first, twenty-seventh, twenty-eighth and twenty-ninth sections thereof; and it shall be the duty of the said

sheriffs to publish the same in their respective counties, either by hand bills or in two or more newspapers published in said counties respectively, and until the township elections are held during the present month of March.

SECTION 30. That Lower Bald Eagle township, and that part of Dunstable township lying West of Reed's run, in the county of Clinton, be and the same is hereby erected into a separate election district, and the election shall be held at the court house in Lockhaven: *Provided*, That all persons residing west of Reed's run aforesaid, and who are entitled to vote for members of assembly, shall hold their elections for officers of the general election, at the house now in the occupancy of Alexander Mahen in said township, and they are hereby authorized to hold an election for officers of the general election of eighteen hundred and forty, on the second Saturday of September next, and annually thereafter at the same place and at the same time as is provided for the election of said officers by the act of assembly of the second July, eighteen hundred and thirty-nine, entitled an act relating to the elections of this commonwealth; and it shall be the duty of the supervisor of Dunstable township, to give notice of said election as directed by the first section of the act above referred to.

SECTION 31. That all that part of Slippery Rock township, in the county of Butler, situate and lying east of a line to be run beginning on the south boundary line of Mercer township, at the north east corner of John Slemmons' tract of land, thence south or parallel with the lines of said tract of land to the north boundary line of Centre township, be and the same is hereby erected into a separate township, to be called Cherry, and the electors thereof shall hold their general and township elections at the house now occupied by Robert M'Callen, and all that part situate and lying West of said division line shall form the township of Slippery Rock, and the electors thereof shall hereafter hold their general and township elections at the School house in Centreville and it shall be the duty of the now acting constable of Slippery Rock township, to give notice of the election to be held on the third Friday of this month in each of said townships respectively, and the qualified electors of said townships between the hours of eight and ten o'clock, A. M. of said day, in each of said townships respectively, when assembled at the places for holding said township elections, in case no officers shall have been elected or shall attend for the purpose of holding said election, shall have power to choose such officers by election in the manner in which they shall then and there determine, and the commissioners of the county of Butler, are hereby authorized and required to have run and marked by a competent surveyor, the said division line between the said townships of Cherry and Slippery rock, and the expense thereof to be paid out of the treasury of the county.

Duties of
Sh'ffs.

Bald Eagle
and part of
Dunstable
townships de-
clared a sepe-
rate election
district.
Election,
where held.
Proviso.

General elec-
tion of 1840,
when held and
notice thereof
by whom giv-
en.

Cherry town-
ship erected
out of Butler
county.

Election,
where held.

Slippery rock
elections
where held.

Notice of elec-
tion.

Remedy in
case of failure
to elect.

Duties of
comm'rs. of
Butler county

Township of Germantown, borough of West Philadelphia, et. al. **SECTION 32.** The qualified electors of each of the wards of the township of Germantown, the borough of West Philadelphia, and the township of Passyunk, Kingsessing, Blockley unincorporated Northern Liberties, Bristol, Byberry and Moreland, shall at their ward and township election, on the third Friday of March next, in the same manner as other ward, boroughs and township officers are elected and returned, elect three citizens of each ward or township, to serve as school directors, and the qualified electors of each of the townships of Penn, (northern and southern) Roxborough, Oxford and Lower Dublin, shall at the same time, in like manner, elect six persons to serve as school directors. The directors of each of the wards, boroughs and townships thus elected, shall meet on the first Monday of April, at the hour of ten o'clock, at the place of holding the township or district election, when the township is divided into more than one election district, and shall divide themselves by lot into three classes; one-third to serve one year; one-third two years, and one-third three years; and the qualified electors of each of the several wards, boroughs and townships first named shall at their ward, borough or township elections annually thereafter, in the same manner elect one citizen of the ward, borough or township to serve as school director, and the townships last named, shall at the same time and in like manner, elect two citizens of the townships to serve as school directors, who shall hold their offices for three years.

Lower Dublin authorized to elect 6 school directors. Directors, when and where to meet **Election and classification of directors.**

Vacancy, how filled. **SECTION 33.** Whenever any vacancy shall occur by any person elected a school director, declining to serve, removing from the ward, borough or township or otherwise, the remaining directors of the ward, borough, township or election district, if the township shall be divided, shall appoint a citizen to serve in his place until another is elected by the qualified voters at the next ward, borough or township election.

Directors, how regulated. **SECTION 34.** The directors thus elected shall be subject to all the laws passed in relation to the school directors of the respective sections of the first school district.

Controllers, how and when elected. **SECTION 35.** The directors of each of the several sections and combined sections, entitled to elect controllers, shall meet within their respective districts, at such place as, is or may be directed by law, on the first Monday of April annually, to elect controllers, and that hereafter the directors of the first section shall elect six controllers; the directors of the second section, three controllers; the directors of the third, fourth and tenth sections each, two controllers; and the directors of the fifth, sixth and ninth sections each, one controller; the directors of the seventh and eighth as at present constituted, shall together, elect one controller; and the townships of unincorporated Northern Liberties and Penn, shall form a section to be called the "Eleventh Section of the First School district," and the

Unincorporated Northern Liberties and Penn, shall form the 11th section.

directors thereof shall elect one controller: the controllers thus elected shall be subject to all the laws passed in relation to the controllers of the first school district.

SECTION 36. As soon as the directors and controllers herein provided for shall be elected and organized, the term of service of any director and controller of the public schools then in office in the districts thus altered or provided for, shall cease, and all laws that conflict with the provisions of this act are hereby repealed.

When term of former director and controller shall cease.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventh day of March, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 27.]

A FURTHER SUPPLEMENT

To the act entitled "an act to erect the town of Chester and its vicinity, in the county of Delaware, into a borough, and for other purposes," therein mentioned.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the town council of the borough of Chester, shall be increased from and after the passage of this act, to the number of seven.

Town council of borough of Chester, increased to 7 in number.

SECTION 2. That the chief burgess, assistant burgess and president of the town council or any two of them, shall constitute a court of appeal, and prior to the collection of any borough tax, the collector shall inform each inhabitant of the amount of his tax and of the time and place of appeal: *Provided nevertheless,* That the said court of appeal shall have no power as such other than to determine the justness of the apportionment of said tax, but may remedy any grievance that may occur in imposing the same.

Court of appeal established. Proviso.

Streets, &c.
how opened
and widened.

SECTION 3. That the courts of quarter sessions of the county of Delaware, on being petitioned to grant a view for opening, widening or extending any street, lane or alley within the borough of Chester, in the county aforesaid, shall have power and by virtue of this act are directed and required as often as they judge it useful in open court, to order and appoint six discreet and disinterested freeholders, neither of whom shall reside or own real estate in the borough aforesaid, whose duty it shall be, after being first sworn or affirmed, to view the ground proposed for opening, widening or extending such street, lane or alley, and if they or any five of them view the said ground, and any four of the actual viewers agree that there is occasion for such street, lane, or alley to be opened, widened, or extended, they shall proceed to lay out the same, as agreeably to the desire of the petitioners as may be, in such manner as to do the least injury to private property, and shall make report thereof, stating particularly whether they judge the same necessary, together with a plot or draft thereof, to the next court of quarter sessions; and if then and there the court aforesaid shall approve of the same, it shall at the next court thereafter, be entered on record, and thenceforth shall be taken, deemed, and allowed to be a public street, lane, or alley; compensation being made to the owner or owners of the ground or other property, as herein directed.

Damages, how
ascertained.

SECTION 4. That on the return of the viewers, reporting in favor of opening, widening, or extending any street, lane, or alley as aforesaid, and the same being approved of by the court at their next session thereafter, to which the report is returned, the court shall appoint six discreet and disinterested freeholders, neither of whom shall reside or own real estate within the borough of Chester aforesaid, who being first sworn or affirmed, shall enquire what damages the owner or owners of lands, house or houses, or other property, shall or may sustain, by reason of the same being taken, used, and appropriated for the purpose aforesaid: *Provided always*, That it shall be the duty of the said freeholders in assessing damages, to consider the advantages which may accrue to the owner or owners of such lands, house or houses, or other property, by reason of opening, widening or extending such street, lane, or alley.

Damages how
paid.

SECTION 5. That upon the return of the valuation and assessment of damages as aforesaid, for ground or other property taken and appropriated for any public streets, lanes or alleys within the borough aforesaid, and the court of quarter sessions of the said county of Delaware having approved the same, the amount of damages awarded as aforesaid, shall be paid by the treasurer of the said borough: And the chief burgess and town council of the said borough, shall cause such street, lane

or alley, or other passage, to be opened, widened or extended, agreeably to the directions of the said court.

SECTION 6. That the town council of the said borough of Chester, shall be authorized and empowered to lay down, or cause to be so laid down, a track or tracks of rail road, on any street, lane or alley of the said borough, from the piers or wharfs on the river Delaware to connect with the Philadelphia, Wilmington, and Baltimore rail road company, at the said borough, whenever they deem it expedient.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 28.]

A N A C T

Erecting the borough of West Greenville and the township of West Salem into separate election districts, and for other purposes,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That from and after the passage of this act, the borough of West Greenville, in the county of Mercer, as bounded and described according to the town plot of West Greenville, incorporated by the court of quarter sessions for Mercer county, March term, one thousand eight hundred and thirty-seven, shall be and the same is hereby declared a separate election district: The qualified voters of said borough shall proceed in like manner as the general election laws require, in the several election districts of this commonwealth, to elect their inspectors, and do all and other things in conducting and holding the general elections in such cases, as though they had never been connected with said township: The general election in pursuance of this act, shall be held in the public house of Samuel S. Spier, in said borough.

West Greenville borough declared a separate election district.

Elections how held.

Declared a separate school district, with power to elect school directors and other township officers. **SECTION 2.** That the territory within the incorporated limits of the borough of West Greenville aforesaid, be and the same hereby is erected into a separate school district, and as such shall have power to elect all the officers necessary to carry on the common school system; and it is hereby declared a separate township, with power to elect the usual township officers, levy and collect taxes, and such other matters and things as are lawful and proper for townships to do: *Provided*, That the borough constable now in office, shall have power to discharge all the duties that are proper for constables of the several townships within the said county of Mercer, to discharge, until the next annual election, which shall hereafter be holden on the third Friday in March, or until his successor shall be duly qualified according to law.

Proviso. **SECTION 3.** That from and after the passage of this act, the township of West Salem, in Mercer county, shall be a separate election district, with all the privileges and immunities of the several election districts of this commonwealth; and the qualified voters thereof, shall proceed, in like manner, to elect their inspectors of the general election, and to do and perform all other matters in reference to the manner of holding and conducting the said elections, as is required by the general election laws of this commonwealth: The elections for the said district shall be held at the school house near Samuel Tingley's dwelling house, in said township.

West Salem declared a separate election district. **SECTION 4.** The said township and borough of West Greenville, are hereby declared to be separate and distinct in the assessment of taxes, and collection of county rates and levies, as well as any other assessments that have been heretofore jointly made; and for all common school purposes, either in regard to the election of directors or levying taxes, or any other provisions contained in the several laws in this commonwealth in that behalf: *Provided*, That nothing contained in this act shall in any manner affect the collection of any tax now levied and due, that have been assessed for county or school purposes, but that the laws heretofore in force shall in such cases prevail.

Election of officers, &c. **SECTION 5.** That all that part of Pinegrove township, in the county of Schuylkill, lying within the bounds hereinafter mentioned, and bounded and described as follows: beginning at the northeast corner; thence, running southwesterly on the line separating the townships of Pinegrove and Lower Mahoning, to the Dauphin and Schuylkill county line; thence, southeasterly on the line dividing the counties of Dauphin and Schuylkill, to the summit of the Second mountain; thence, northeasterly on the summit of the Second mountain, to a point in a direct line with the west line of the farm now owned by Christopher Shrafe; thence, southerly, to the northwest corner of said farm; thence, along the west lines of the farms of Chris-

Township and borough separate and distinct. **SECTION 6.** That the territory within the incorporated limits of the borough of West Greenville aforesaid, be and the same hereby is erected into a separate school district, and as such shall have power to elect all the officers necessary to carry on the common school system; and it is hereby declared a separate township, with power to elect the usual township officers, levy and collect taxes, and such other matters and things as are lawful and proper for townships to do: *Provided*, That the borough constable now in office, shall have power to discharge all the duties that are proper for constables of the several townships within the said county of Mercer, to discharge, until the next annual election, which shall hereafter be holden on the third Friday in March, or until his successor shall be duly qualified according to law.

topher Shrope, John Brown, Philip Zimmerman, and Jonathan Christ to the southwest corner of the farm of Jonathan Christ; thence, along the south lines of the farms of Jonathan Christ and William Miller, in an easterly direction to the west line of the borough of Pinegrove; thence, northerly along the west line of the borough of Pinegrove to the northwest corner of the said borough; thence, easterly along the north line of the said borough, to the Swatara creek; thence, across the Swatara creek and along the east line of the farm of George Berger, deceased, to the southeast corner of said farm; thence, along the east lines of the farms of George Berger, deceased, Michael Huber, Frederick Muth, and Nicholas Hirtzog; thence, in the same direction, to the summit of the Second mountain; thence, easterly along the summit of the Second mountain, to the east line of Pinegrove township; thence, northerly along the east line of Pinegrove township and the west line of Branch township, to the place of beginning, shall be and is hereby erected into a separate school district, under the name, style, and title of Strongsburg and North Pinegrove school district, with all powers, rights, and privileges of other incorporated districts within this commonwealth, and of separate townships for school purposes.

Boundaries of a new school district in Schuylkill co. to be called Strongsburg, and North Pinegrove school district.

SECTION 6. And that Henry K. Strong, John Boanitz, and Henry Shrope, or any two of them, are empowered to conduct the election for directors for the first year, and to give notice to the citizens residing within the bounds of the district incorporated by this act, qualified to vote for township officers, by posting up in at least two public places within the district, ten days previous to the third Friday of March next to meet at the place of holding the township election, and at the same time elect six persons to serve as school directors: The directors thus elected shall meet on the first Monday of April, at the house of Henry Umbahacker, at four o'clock in the afternoon, at the place of holding the district election, and divide themselves by lot into three classes; one-third to serve one year, one-third two years, and one-third three years.

Directors how chosen.

Elections how and when held.

SECTION 7. And that it shall be the duty of the assessor of Pinegrove township, to make an enumeration of the taxable inhabitants within the district and make a return thereof in the month of April next, to the commissioners of the county; which enumeration shall be the basis of apportionment of the school fund, until the enumeration of taxables for the triennial assessment.

Duty of assessor of Pinegrove township.

SECTION 8. That from and after the passage of this act, the qualified electors of Valley township, in the county of Columbia, shall hold their general and township elections at the public school house, near the public house of John M. Maus, in said township, which said township elections shall be held at said place, until otherwise directed by the provisions of the first

Elections in Valley township, Columbia county, when, where and how held.

section of the act of April, one thousand eight hundred and seven, and that Collan Cameron, Joseph Maus, and James Childs are to hold the first township election according to the requisitions of this act.

Elections in Perry township, Fayette county; when, where how and by whom held.

SECTION 9. That the electors of Perry township in the county of Fayette, shall hold their township and general elections at the brick school house in the town of Perryopolis, and John Strickler, Michael Leaton, and Pierson Cope are hereby appointed and authorized to hold said elections, until others shall be elected for that purpose under the general law regulating elections; the said officers hereby appointed, to have all the powers and be subject to all the penalties imposed on such officers by the laws of this commonwealth, in such cases made and provided.

Penn township in the county of Perry, erected.

SECTION 10. That from and after the passage of this act, the township of Penn in the county of Perry, shall be a separate election district, with all the privileges and immunities of the several election districts of this commonwealth; and the qualified voters thereof shall proceed in like manner to elect their inspectors of the general election, and to do and perform all other matters in reference to the manner of holding and conducting the said elections, as is required by the general election laws of this commonwealth; the election to be held at the school house, in the town of Petersburg, in said township, and Thomas Black, John B. Topley, and John Kizer are hereby appointed and authorized to hold the first elections in said township, until others shall be elected under the general election laws of this commonwealth.

Elections, when, where, how and by whom held.

Bounds of Liverpool township enlarged.

SECTION 11. That the small island in the Susquehanna river, in Upper Paxton township, Dauphin county, about four miles above the borough of Liverpool, in the county of Perry, be and the same is hereby attached to and declared to be a part of the common school district of Liverpool township, in the said county of Perry, so that the inhabitants thereof shall enjoy the benefit of the common school law, and be subject to its provisions, the same as the inhabitants of the said township of Liverpool.

Marion township, Centre county, erected into a separate election district. Elections when held.

SECTION 12. That the township of Marion in the county of Centre, be and the same is hereby erected into a separate election district, and that the electors thereof shall hereafter hold their general and township elections at the house of Michael Spangler, in Jacksonville in said township.

82d sec. of former law repealed, and 54th sec. of a former law revived.

SECTION 13. That the eighty second section of the act, entitled an act regulating election districts and for other purposes, approved the second day of July, one thousand eight hundred and thirty-nine, relating to the borough of Berlin and the township of Brothers Valley, in the county of Somerset, be and the same is hereby repealed, and the fifty-fourth section of an act regulating election districts and for other purpo-

ses, approved the tenth day of April, one thousand eight hundred and thirty-six, and all other laws repealed by the said eighty-second section are hereby revived.

SECTION 14. That the elections for the borough officers in the borough of Freeport, county of Armstrong, shall hereafter be held on the second Friday of March annually, and so much of any law relating to said elections as is inconsistent herewith, is hereby repealed. Election in the borough of Freeport, when and how held.

SECTION 15. That the qualified citizens of the several wards of the incorporated district of the Northern Liberties, shall at the general election on the second Tuesday in October next, and on the same day annually thereafter, elect by ballot a citizen of said district of the Northern Liberties, who shall be at least thirty years of age, and have resided at least five years next preceeding said election within this commonwealth, and the last two years thereof in said district, to serve as Mayor of said incorporated district for the term of one year, commencing with the Tuesday next succeeding such election. And the officers and clerks of said election shall perform the duties thereof, and be liable to the same penalties in relation thereto for Mayor, as are now or hereafter may be provided by law, in cases of election for members of the general assembly. Incorporated Northern Liberties authorized to elect a Mayor.

SECTION 16. The judges of said election, within two days after the result shall have been ascertained, shall transmit to the person having the majority of the votes given for Mayor, a written or printed certificate of his election, they shall also make out in the usual form, duplicate copies of a full and true return of all the votes given for Mayor as aforesaid, designating the names of the persons voted for, and the number of votes for each, which said numbers shall be written in words at length, and at or before eleven o'clock in the forenoon of the Tuesday next succeeding such second Tuesday in October, shall deliver one copy of said return to the prothonotary of the court of common pleas of the city and county of Philadelphia, to be by him filed in his office, and the other copy enclosed in a sealed paper with the words return of the election for Mayor, and the date thereof endorsed thereon, together with their tickets, lists of tally papers, and the documents to the president of the board of commissioners of said district of the Northern Liberties, or to the person acting as such for the time being, at the place appointed for them to meet to receive the returns of election of district commissioners of the Northern Liberties. Certificate of election.

SECTION 17. The said president of the board of commissioners of the incorporated district of the Northern Liberties, or the person acting as such, shall at a meeting of the said board of commissioners on the said Tuesday, next succeeding said election on the second Tuesday in October, open and publish said return and cause the same to be entered on the How return to be made.

Contested
elections.

Vacancy how
filled.

Powers of the
Mayor.

Salary of Mayor.
or.

journal of the said board of commissioners : And the president of the said board of commissioners, or the person acting as such, or other person duly qualified, shall then and there administer the usual oath or affirmation to the person having a majority of the votes for Mayor as aforesaid, who shall thenceforth enter upon and perform all the duties, and possess and enjoy all the powers and privileges appertaining to the office of Mayor of said incorporated district of the Northern Liberties, by virtue of any law of this commonwealth, or any ordinance or regulation of said incorporated district for the term of one year as aforesaid, and until another shall have been duly elected and qualified. But if it shall appear at the opening and publishing of said returns that no person has been duly elected Mayor as aforesaid, or if the election shall be contested, and there shall be from the return received or other competent testimony, to be judged of by the members present at such meeting, a reasonable doubt whether either, and if either which of the persons voted for as Mayor has been duly elected, then the members of the said board of commissioners, at a meeting as aforesaid, shall forthwith proceed to elect viva voce, one of the two persons having the highest number of votes to serve as Mayor aforesaid : And whenever the office of Mayor shall become vacant by the refusal or omission to serve of any person elected as aforesaid, by death, resignation, or otherwise, it shall be the duty of said board of commissioners, at a meeting to be held as soon as conveniently may be after such vacancy shall happen, to elect a suitable person to serve as Mayor aforesaid, who shall continue in office until the third Tuesday of October next succeeding his election, or until another shall have been duly elected and qualified.

SECTION 18. The Mayor of said incorporated district of the Northern Liberties, shall have power to try, hear, judge, and determine all actions for penalties, fines, or forfeitures imposed ; and have the same powers within the said district, in all matters and things connected with the police, as largely and amply as is now exercised by the Mayor of the city of Philadelphia, the same rights of appeal or for debts under one hundred dollars, and all such actions shall be instituted in the corporate name of the incorporated district of the Northern Liberties. The said commissioners are hereby authorized to make all such police regulations, and to prescribe such duties, rules, and regulations for the Mayor of said district, as they may from time to time by ordinance declare.

SECTION 19. The Mayor so elected, shall receive a yearly salary of not less than five hundred dollars, payable quarterly, by an order drawn by the commissioners of the district on the treasurer thereof, and shall have power to appoint two high constables who shall receive a yearly salary of not less than

SECTION 20 That so much of the act of the general assembly of this commonwealth, entitled an act relative to the jurisdiction and powers of the courts, passed the sixteenth day of June, one thousand eight hundred and thirty-six, as provides for the election of Mayor by the board of commissioners of the incorporated district of the Northern Liberties, in the county of Philadelphia, and every other act or acts relative thereto, shall be and the same is hereby repealed from and after the third Tuesday of October, one thousand eight hundred and forty,

SECTION 21. That all that part of Strasburg township, in the Strasburg
county of Lancaster, embraced within the following described Lancaster co.
boundaries, viz : Beginning in the centre of Piquea creek, oppo- erected into a
site Michael Mussleman's still house ; thence, by the nearest separate elec-
straight line to the road leading along or through lands of Phil- tion district.
ip Forster, Esq., Joseph Lefever, and others, to the school
house on the Gap and Strasburg road, about half a mile west
of the Black horse tavern on the last mentioned road ; thence
along the first mentioned road to the said school house : thence
due south to the Bart township line ; thence along the line of
Bart township, to the corner of Sadsbury and Salisbury town-
ships ; thence along the line of Salisbury township to the
centre of Piquea creek ; thence along the centre of said creek
to the place of beginning, shall hereafter constitute and com-
pose a new and separate election district, and the electors residing
therein shall hold their general and township elections at the Elections,
public house now occupied by James H. Slaymaker, in Wil- where held.
liamstown in said district.

SECTION 22. That from and after the passage of this act, Place of holding the qualified voters of the township of Wheatfield, in the county of Perry, shall hold their general and township elections at Clay's school house in said township, and Elias Jackson, Robert S. King, and Benjamin Owen are hereby authorized to hold the first election under the general election law, for said township.

Speaker of the House of Representatives.

Speaker of the Senate.

DAVID R. PORTER.

[No. 29.]

A N A C T

Supplementary to and explanatory of "an act entitled an act to classify the Associate Judges of the State.

Preamble.

WHEREAS, the legislature did pass the act to which this act is a supplement on the twentieth day of June, Anno Domini, one thousand eight hundred and thirty-nine, in pursuance of the provisions of the amended constitution, requiring that the legislature at its first session under the same should divide the associate judges of the State into four classes, to be arranged according to the seniority of their commissions: *And whereas*, the legislature in said act made no distinction between the judges whose commissions bore date prior to the adoption of the amendments of the constitution, and those whose commissions bore date subsequent to said adoption of said amendments: *And whereas*, it is the true intent and meaning of the amended constitution, that the expiration of the commissions of the associate judges should be graded according to their seniority of date at the adoption of the said amendments, on the ninth day of October, Anno Domini, one thousand eight hundred and thirty-eight.

Therefore :

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Joseph S. Morrison, in the room of John Dickey; Samuel Yohe, in the room of John Cooper : George

First class of associate judges whose terms expire 27th February, 1840. Hess, jr., in the room of Daniel Wagener; Alexander Brown, John Parker, James Bovard, Thomas M'Kee, Richard Irwin, in the room of John Irwin; John Vincent, Boyd Mercer, Richard Lewis, in the room of George Roberts; John Kerr, in the room of Joseph McCune; George Roush, Samuel D. Leib, in the room of Daniel Yost; Ira Kilburn, Hugh Davis, in the room of Francis McClure; John McKean, George Barnitz, Davis Dimmock, Hugh Wilson, John Montgomery, in the room of Jacob Gearhart; Daniel W. Dingman, William Montgomery, John F. Rhue, jr., in the room of John Fogel; Moses Thomas, and Leonard Rupert, shall constitute the first class, whose commissions shall expire on the twenty-seventh day of February, one thousand eight hundred and forty.

Second class associate judges whose terms expire 1841. SECTION 2. That Jonathan Stevens, William Hays, in the room James Riddle; John L. Hinkle, Isaac M'Kinney, Isaac Connelly, Samuel Dale, John Grubb, Henry Black, Adam Light, John Lobengier, Thomas Pollock, Charles Porter, John Cummings, John Lightner, Richard B. Jones, John Kurtz,

William M'Clean, Joseph Seager, in the room of Jacob Stine ; Asher Davidson, William Long, Thomas Jones, in the room of Cromwell Pearce ; Moses Boggs, John Murray, Hugh Jordan, Joseph Adams, Joseph Otto, and Joseph Potts, who shall constitute the second class, whose commissions shall expire on the twenty-seventh day of February, one thousand eight hundred and forty-one.

SECTION 3. That Joel Bishop, Joseph Engle, Jesse Sharp, Jacob Kryder, Samuel Nixon, William McCay, in the room of David Reynolds ; William S. Ross, John Calhoun, in the room of Joseph Rankin ; Matthias Richards, William Adams, in the room of William Darling ; John W. Jenks, Charles D. Shoemaker, Matthew Patton, Samuel Moorhead, jr., Stephen Barlow, Peter Schall, John H. Work, Benjamin Kepner, Daniel Christy, John C. Bucher, in the room of Innis Green ; John Junkin, John Ryan, jr., James Manning, Charles G. Snowden, in the room of Robert Orr ; Asa McClelland, and Benjamin Adams, shall constitute the third class, whose commissions shall expire on the twenty-seventh day of February, one thousand eight hundred and forty-two.

SECTION 4. That George Weiser, Timothy Ives, jr., Seneca Freeman, John Shindle, John Sterrett, Obed Edson, John Lefever, Adam Weise, Robert Elliott, Robert Mitchel, Jacob Brown, John T. Bell, William Brodhead, George Smith, Robert Smith, Samuel Black, John Nesbett, Frederick Hummel, George Will, Andrew Barnet, Joseph Royer, Thomas McKeever, Isaac Post, James Criswell, James R. Wick, and Michael H. Jenks, shall constitute the fourth class, whose commissions shall expire on the twenty-seventh day of February, one thousand eight hundred and forty-three.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 30.]

A N A C T

Supplementary to an act passed the thirtieth January, one thousand eight hundred and ten, entitled an act to incorporate the Bible society of Philadelphia.

Name
changed.

name & style.

Managers au-
thorized to
choose a Pre-
sident and
Vice Presi-
dents.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the name of the said society be and the same is hereby changed, and that the said society shall, from and after the passage of this act, be known by the name, style, and title of the Pennsylvania Bible Society.

SECTION 2. That the managers of the said society be and they are hereby authorized at the time, and in the manner recited by the said act of incorporation, to choose by ballot one president, as many vice presidents as they may consider necessary to transact the duties appertaining to their office, and one treasurer: And the said president, vice presidents, and treasurer may be selected from among the members of the said society, and shall not be confined to the board of managers as is provided by the third section of the above recited act.

SECTION 3. So much of the aforesaid act as is inconsistent with the provisions of this act, is hereby repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 31.]

A N A C T

Authorizing the building of a Lock-up House, in Shippensburg in the county of Cumberland.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That it shall be the duty of the chief burgess, assistant burgess, and town council of the borough of Shippensburg, in the county of Cumberland, to build and erect or provide and support a suitable building, in or contiguous to the borough of Shippensburg, in the county of Cumberland, to be used as a lock-up house or place of security for the temporary detention of persons committed by a justice of the peace of the said county, for any violation of the laws of the commonwealth, for which such person or persons could be lawfully committed to the common prison, there to remain and be kept until such offender can be conveniently conveyed to the county prison, or until he be discharged according to law: *Provided,* That no person committed by a justice of the peace, shall be confined in said house for a longer period than twenty-four hours.

Burgess and town council to provide a lock-up house.

Who may be locked up.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 32.]

A SUPPLEMENT

To an act, entitled an act authorizing the Governor to incorporate the Reading Water Company, passed the sixteenth day of March, Anno Domini, one thousand eight hundred and nineteen.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority*

of the same: That the managers of the Reading water company shall have power, and it shall be their duty as soon as practicable after the passage of this supplement, to proceed to bring into the borough of Reading an additional supply of water, from such spring or springs, stream or streams of water as they may select, other than what is already introduced by said company; the right to which shall have been previously vested in said company; and shall have power for that purpose to force water, if necessary, by water or steam power into a reservoir or reservoirs which they may construct for its reception, and bring the same in trunks or pipes through or across any field or enclosure, along any road or highway, and shall at all times have liberty and power to repair or reconstruct such branches, pipes, reservoirs, or works necessary to carry into effect the object of this law: *Provided,* That the said company shall compensate the owner of the lands through which any trunks or pipes may be laid, for any damages he may sustain in laying the same, to be ascertained in the manner provided by the act to which this is a supplement.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 33.]

A SUPPLEMENT

To an act, entitled an act to authorize and empower the trustees of the Methodist Episcopal Church, in Perrysville, Mifflin county, to convey certain real estate, and for other purposes, passed the 24th day of June, Anno Domini, 1839.

WHEREAS, by the eleventh section of the act to which this is a supplement, the executors of the last will and testament of Jared Shattuck, late of Meadville, Crawford county, deceased, were authorized and empowered to execute deeds in fee simple to the purchasers, their heirs or assigns, for all lands sold by articles of agreement by the said Jared, in his lifetime, when the purchase money is paid or can be collected, and that the proceeds of such sales should be distributed and accounted for, under the direction of the orphans court of Crawford county : *And whereas*, by the same act it is provided that executors shall enter into recognizance, with sufficient security, before the orphans court of the city and county of Philadelphia, before proceeding under said act : Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same :* That Stephen Barlow and William P. Shattuck, or either of them in the absence of the other from the State, executors of the last will and testament of Jared Shattuck, late of Crawford county, deceased, be and are hereby authorized and empowered to execute deeds in fee simple to the purchaser or purchasers, their heirs or assigns of all lands sold, or contracted to be sold by the said Jared in his life time, for which deeds have not already been made, and that they or either of them, in the absence of the other as aforesaid, be and are also hereby authorized and empowered to sell, either at public or private sale, as shall be deemed most advantageous to said estate, all or any part of the lands of said deceased remaining undisposed of, and convey the same to the purchaser or purchasers thereof, their heirs or assigns, by deed or otherwise in fee simple : *Provided*, That before entering upon the performance of their several duties under this act, they or either of them in the absence of the other as aforesaid, shall severally, each for their own acts, enter into recognizance before the orphans court of Crawford county, with approved se-

Preamble.

Second Preamble.

Power of Executor or Executors.

Proviso.

curity, for the due execution of the trusts hereby reposed, and for the faithful appropriation of the proceeds of the said sales of the said lands provided for by this act.

Repeal.

SECTION 2. That so much of any act as is hereby altered or supplied, be and the same is hereby repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 34.]

A N A C T

Authorizing the citizens of Newberry township, York county, to elect Township Settlers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:*

Newberry township in York county, to elect three persons as settlers.

That the citizens of the township of Newberry, in the county of York, at the time and place, and in the same manner that they elect constables, shall elect three qualified citizens to serve as township settlers for one year, who shall have all the power, and perform all the duties, and receive the like compensation of other township settlers.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 35.]

A N A C T

To incorporate the Gibson Academy at Summitville, in the township of Gibson, Susquehanna county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That there shall be and hereby is established in the town of Gibson, and county of Susquehanna, and commonwealth of Pennsylvania, an academy or public school for the education of youth in the English and other languages, and in the useful arts and sciences, and literature, by the name of the Gibson Academy, under the care, direction, and government of the trustees, viz: Joseph Washburn, Charles Ting-
 Academy es-
 tablished.
 Trustees.
 ley, Urban Burrowes, Milton Tingley, William Parmeter, and N. E. Kennedy: Which said trustees and their successors, to be elected as hereinafter directed, shall be and are hereby declared to be one body corporate and politic; by the name and style of "The trustees of the Gibson Academy," and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and shall be competent and capable in law and equity to take and hold to them and their successors, for the use of the said academy, lands, tenements, hereditaments, goods, and chattles of what kind or quality soever, real, personal or mixed; by gift, grant, bargain, sale, conveyance, assurance, will, devise, or bequest from any person or persons whomsoever, capable of making the same; and the same from time to time to grant, bargain, sell, demise, alien, and dispose of for the use of said academy; and generally to do all and singular the matters and things which shall be lawful for them to do, for the well being of said academy, and the due management and ordering the affairs thereof.

SECTION 2. The first election of trustees shall take place on the first Monday in April, in the year one thousand eight hundred and forty-one, and on the same Monday thereafter annually, in the same academy; and the said election shall commence at the hour of one o'clock in the afternoon, and continue till five o'clock in the afternoon, and shall be conducted by two managers who shall be appointed by a majority of the citizens qualified to vote, who may be present at
 Elections.
 How conducted.

Who may vote.	the time of commencing said election: No person shall be allowed to be a trustee or to vote unless he be a citizen of the State, and shall have subscribed and paid to the funds of said academy the sum of ten dollars: The votes shall be given by ballot, and at the first election each ticket shall be labelled on the outside "Trustees of Gibson Academy," and it shall contain the names of six persons, and the six having the greatest number of votes, and being qualified according to the provisions of this act, shall be the trustees for the ensuing year, and until their successors are elected: The managers shall
Classification of trustees.	certify the result to each person elected; as soon as convenient after the election, the said trustees shall by lot divide themselves into three classes of two each; the term of office of the first class shall expire in one year after their election, that of the second in two years, and that of the third in three years, and after the first election but two trustees shall be elected annually: The board of trustees shall have power to fill vacancies; to appoint their president, who shall be one of the elected trustees, and they shall have power to enact such
By-laws.	by-laws as may be necessary, not being inconsistent with the constitution and laws of the United States, or the constitution and laws of this commonwealth; and four of the said trustees shall constitute a quorum, and a quorum may in the absence of the president appoint a president pro-tempore. The president shall be appointed yearly. The said board of trustees shall appoint a secretary and treasurer yearly, but they shall have power to remove either, whenever a majority of the board shall think it proper. The treasurer shall before he commences the duties of his office, give a bond to said corporation,
Treasurer to give bond.	with one or more good sureties to be approved of by a majority of the trustees, for a penal sum double the estimated amount for the time being of the funds of the corporation, conditioned for the performance of the duties enjoined, and the repayment of the moneys received by him.
Duties of treasurer.	SECTION 3. The treasurer shall receive and hold all moneys belonging to the institution, and pay the same only to the order of the board, signed by the president and secretary, or by a majority of the trustees, and he shall keep fair accounts thereof, to be open at all seasonable hours, for the inspection of all persons who may have contributed to the funds of said institution: and the said trustees and treasurer shall annually, in the month of January, exhibit all their books, and vouchers, and accounts, of every kind, before a committee of the contributors to the institution, (if such committee shall be appointed for that purpose,) for their inspection and examination, and any balance found due the institution, shall be collected as similar sums are collected by the laws of this commonwealth. Every trustee or treasurer who shall refuse to exhibit his books, accounts, and vouchers as aforesaid, shall
Accounts to be exhibited.	

forfeit the sum of forty dollars, to be recovered as debts of a similar amount are now by law recoverable, in any action (brought by a person qualified to vote for trustees, in the name of said corporation,) one half to be recovered for the use of the academy, and the other for the use of the prosecutor.

SECTION 4. Persons of every religious denomination shall be capable of being elected trustees, nor shall any person, as principal, teacher, or pupil, be refused admittance into said seminary or denied any of the privileges, immunities, or advantages thereof, for or on account of his sentiments in matters of religion.

SECTION 5. No misnomer of the said corporation shall defeat or annul any gift, grant, devise, or bequest to or from said corporation: *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, grant, will, or other writing, whereby any estate or interest was intended to pass to or from said corporation.

SECTION 6. That the said corporation shall not be entitled to receive the annual appropriation made to academies, by the fourth section of an act passed the twelfth day of April, one thousand eight hundred and thirty-eight, entitled a supplement to an act to consolidate and amend the several acts relative to a general system of education by common schools, passed the thirteenth of June, eighteen hundred and thirty six.

SECTION 7. The legislature reserves the right to revoke, alter, or annul the charter hereby granted at any time they may think proper.

WM. HOPKINS,
Speaker of the House of Representatives.

W. T. ROGERS,
Speaker of the Senate.

APPROVED—The seventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 36.]

A N A C T

To incorporate the town of Newport, in the county of Perry, into a Borough.

Borough established.

Boundaries.

Who may vote at Borough elections.

Elections, when and how held.

Borough officers.

School directors and auditors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the town of Newport, in the county of Perry, and territory included within the following boundaries, to wit: beginning at the mouth of the Little Buffalo creek, thence up the Juniata river by the several courses thereof at low water mark, one hundred and fifty-four perches; thence through the lands of Abraham Rider south sixty-two degrees, west one hundred and twenty-six perches to a pine; thence by land of John Fickes, south forty-six degrees, east thirty-nine perches to a post; south seventy-one degrees, west twenty-three perches to stones; thence by lands of Jacob Nailor south twelve degrees, east thirty-two perches to a Spanish oak; north seventy degrees, east thirty-one perches to a post; south forty-three degrees, east thirty-nine perches to a post; thence by land of Laudon and Monroe north fifty degrees, east twelve perches to a post; south forty-six degrees, east thirty-four perches to the Little Buffalo creek at the mill dam; thence down the said creek the several courses thereof, to the place of beginning, are hereby erected into a borough which shall be called and styled the borough of Newport.

SECTION 2. That the inhabitants of the said borough entitled to vote for members of the general assembly, having resided therein one month immediately preceding the election, shall on the third Friday of March next, and annually thereafter on the same day which now is or hereafter may be fixed by law, for the election of Constable and other township officers within this commonwealth, meet at the school house in said borough and then and there, between the hours of eight o'clock in the forenoon and seven o'clock in the afternoon, elect by ballot one of the citizens, who shall be styled the burgess of said borough, and four other citizens to be styled the town council: one assessor and two assistant assessors of the county rates and levies; the necessary school directors as provided by law for a school district, and three auditors of the public accounts of the said borough, which election shall in all respects be

conducted in the same manner as is provided for the election of township officers within this commonwealth, except that the certificates of the election of burgess, town council, and auditors shall be filed among the records of the corporation: *Certificates how disposed of.*
And provided, That in case of the death, resignation, removal, or refusal to accept of any of said offices, the vacancy may be supplied by a new election in all cases where, by the existing laws, there is not provision made for supplying vacancies by appointment: *Proviso.*
And provided further, That for the first election to be held under this act, it shall be the duty of John Kibler, George Carpenter, and John K. Smith, or any one of them, to give notice and perform all the duties enjoined upon constables by the existing laws relative to township elections; *Vacancy how supplied.*
 and in case no election shall be held on the first day mentioned, they shall appoint some other day and perform the said services, but previous to opening of such election, such of the citizens entitled to vote as aforesaid, as may be present at the time and place of opening the same, shall choose one judge, and two inspectors and two clerks thereof, who shall be sworn or affirmed in the same manner as is provided by law for swearing or affirming election officers, and they shall perform the duties required of them by law, relative to township elections. *2d Proviso.*
Notice of election.
Judge, inspector, &c. how chosen.

SECTION 3. That the burgess shall be president of the council, and shall have and exercise all the rights and privileges of a member thereof in every respect. *President of council, &c.*

SECTION 4. That the burgess and town council shall meet on the first Monday next succeeding their election in each year, and as often thereafter as occasion may require. Three members shall constitute a quorum to do business, and the proceedings of a majority of a quorum, when there is one formed, shall be valid. They shall have power in the absence of the burgess to elect a president pro tempore, who shall in case of the death, resignation, or refusal to accept or to act, or inability of the burgess to attend, perform all and every duty enjoined on the burgess. The burgess or in his absence the president pro tempore, shall have power to call special meetings of the council, but in all cases of special meetings personal notice shall be given to every member unless absent from the borough. The burgess and members of the town council shall in all cases continue to hold and exercise the duties of their respective offices, until their successors shall be duly elected and qualified. *Meeting of council, &c.*
Quorum.
President pro tem., duties.

SECTION 5. That if any person duly elected burgess or member of the town council, and having received notice thereof, as directed by this act, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, or having taken upon himself such duties shall neglect to discharge the same according to law, every such person so *Fine for refusal or neglect to discharge duties.*

refusing or neglecting shall, for every such offence, forfeit and pay the sum of ten dollars; and every other officer elected or appointed by virtue of this act, or the by-laws or ordinances of the town council aforesaid, who shall refuse or neglect to take upon himself the execution of such office, or having accepted the same shall refuse or neglect to perform the duties thereof, shall, for every such refusal or neglect, pay a fine of not exceeding five dollars at the discretion of the burgess; which fines, and all other fines that may be incurred under this act or any of the by-laws or ordinances of the town council shall be for the use of said corporation, and shall be recovered in the name of the burgess and town council of the borough of Newport, as debts of like amount are recoverable by law: *Provided*, That no person shall be compelled to serve more than one year in any term of three, and that the payment of a fine shall be equivalent to a service of one year in any office: *And provided further*, That nothing herein contained shall be construed to exonerate any constable or other officer, from the payment of any fine or penalty imposed by the existing laws or that may hereafter be enacted, for refusing to serve in such office.

Fines how recoverable.

Proviso.

2d Proviso.

Oath of Burgess.

Burgess may administer oath.

SECTION 6. The burgess shall take and subscribe an oath or affirmation before one of the judges of the court of common pleas, or a justice of the peace of the said county of Perry, to support the constitution of the United States, and of the state of Pennsylvania, and an oath or affirmation to execute the office of burgess of the borough of Newport with fidelity; and when so qualified, he shall administer an oath or affirmation to each of the members of the town council, high constable, town clerk, clerk of the market, (if one shall be appointed,) and such other officers as shall be appointed or elected under this act, or any by-law or ordinance of said borough, before they shall enter upon the duties of their respective offices, which oath or affirmation so taken and subscribed shall be filed among the records of said corporation.

Name & style

Privileges and franchises.

SECTION 7. That from and after the third Friday in March next, the burgess and town council duly elected, and their successors, shall be one body politic and corporate by the name and style of "the burgess and town council of the borough of Newport," and shall have perpetual succession; and the said burgess, town council and their successors shall be capable in law, to have, receive, hold and possess, goods, and chattles, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of two thousand dollars, and also to grant sell, let, and assign the same; and shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law in this commonwealth, in all manner

of actions whatever, and to have and to use one common seal, and the same, from time to time, at their will, to change and alter

SECTION 8. That the town council shall have power to ^{By-laws.} pass and enact by-laws, rules, regulations, and ordinances, as they may determine necessary to promote the peace, good order, and general welfare of the inhabitants, and well being of the said borough; and for the purpose of improving and keeping in good order the streets, lanes, alleys, public squares, and common grounds, land, wharfs, landings, or other property whatsoever, that has heretofore at any time been granted to the use of the citizens of Newport, or that may hereafter be granted to the use of the corporation; and for removing nuisances and obstructions therefrom, and the same to alter, make anew or annul as the occasion may require, and also to assess, levy, and collect and appropriate such taxes as shall be necessary to carry their rules and ordinances into effect, and to make all necessary contracts and engagements for the same purpose.— They shall have the same authority in obtaining materials for improving the streets, lanes, alleys, landings, wharfs, and public grounds as the supervisors of the highways within this ^{Proceedings for neglect of duty.} commonwealth have, and for neglect of their duty in keeping the same in good order they may be proceeded against by indictment in the court of Quarter Sessions of said county, and be subject to the like fines and penalties as the supervisors are, for any neglect of duty in relation to keeping the highways in ^{Clerk, &c.} good order. They shall annually appoint a town clerk, treasurer, collector of taxes, clerk of the market when necessary, and such other offices as they may deem expedient, and the same to remove at pleasure; the officers to be appointed by the council shall be allowed such compensation as the council may fix and agree on, but the members of the council themselves, shall not be entitled to any compensation for their services as members of the town council. The council may ^{Remit fines.} remit any fines or penalties that may be incurred under this act, or any of the by-laws or ordinances, when in their judgment it may be proper so to do, except any fine or penalty that may be imposed upon them, by the court of quarter sessions ^{Proviso.} of the county for neglect of duty: *Provided*, No by-law, rule, regulation, or ordinance of the said corporation shall be repugnant to the constitution and laws of the United States or of this commonwealth, and that no person shall be subjected to any fine or punishment for a violation of any by-law or ordinance of the said borough, until after six days shall have expired after the promulgation thereof, by at least four copies of the same put up at the most public places within the said borough, and signed by the president or president pro tempore, and attested by the town clerk. It shall be the duty of the burgess to cause all the by-laws and ordinances of the council to be

carried into effect, and to do and perform all such other services as may be enjoined upon him by the same.

Taxes how
collected.

Proviso.

SECTION 9. That it shall be the duty of the burgess to issue his warrant to the collector, as often as the occasion may require, commanding him to collect the taxes assessed by the town council, a list or duplicate of which shall be made out and delivered to said collector, and to pay the same to the treasurer; and the said collector shall have the power and authority in the collection of said taxes, as the collectors of county rates and levies, and may be proceeded against in the same manner that county treasurers, or county commissioners are authorized by law to proceed against the collectors of county taxes, when they neglect to collect or pay over the amount of taxes in their duplicates according to law: *Provided*, That the town council may hear any complaint in relation to said assessment of the said taxes, and grant such relief as shall seem best at any time, and also exonerate the collector from the payment of any tax that may be impracticable to collect; and in all cases of any tax assessed upon any vacant or unseated lot within said borough, and the taxes remain unpaid, it shall be lawful for the collector to certify the same to the county commissioners of Perry county, in the same manner as supervisors of the roads are authorized by law to return road taxes on unseated lands. And the county treasurer shall, in the like manner, collect the said taxes or sell and convey the lot or lots for the payment of the same and pay the money out to the treasurer of the borough, common school, or to whatever it may belong.

Duty of town
clerk.

Seal.

Journal.

SECTION 10. That it shall be the duty of the town clerk to attend all meetings of the town council, when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the corporate seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties which may be enjoined upon him by this act or of the acts of the corporation. He shall keep a fair journal of the proceedings of the council, in a book to be provided for that purpose, and shall enter all by-laws and ordinances adopted by the council, in a separate book for that purpose, and when signed by the president shall attest the same. He shall keep a fair index to the same. He shall certify copies under the seal of the corporation, which copies of any book, paper, by-law, ordinance, or proceeding of the council, when so certified and attested by the clerk, shall be good evidence of the thing certified. He shall deliver over to his successor the seal and all the books, papers, and other things belonging to the corporation, and upon neglect or refusal so to do upon demand made, he shall forfeit and pay a fine of not less than fifty dollars, and be accountable

for all damages sustained by the corporation, to be recovered as like debts and damages are by law recoverable.

SECTION 11. That it shall be the duty of the treasurer to receive all moneys due to the corporation, whether for taxes, fines, donations, or in any other way, and to pay out the same on orders of the president, or president pro tempore; he shall keep fair accounts of his receipts and payments, and settle his accounts with the auditors whenever they shall require the same to be done, and pay over all moneys or balances found in his hands, and deliver to his successor in office all books, papers and accounts, belonging to the corporation or pertaining to his official duties when demanded, for which he shall give bond to the burgess and town council, with sureties therein, as they may require. Duties of Treasurer.

SECTION 12. That no moneys shall be drawn from the treasury but by authority of the council, on orders signed by the president thereof, and attested by the clerk. It shall be the duty of the auditors to settle the accounts of the several officers annually, and to cause a fair statement showing the receipts into the treasury, and how the same shall have been expended, to be published by the town clerk every year, in the month of March, by setting up at least four copies thereof in the most public places within the borough. Moneys how drawn.

SECTION 13. It shall and may be lawful for all persons entitled by law to vote for burgess, and other officers of the borough of Newport, at the same time and place where they vote for borough officers, to elect two respectable citizens of said borough for constables, and return the names of the persons so elected to the next court of Quarter Sessions of the said county, one of whom shall be appointed constable of said borough, in the like manner, with the like powers and authority, and receive like fees, and be subject to regulations and penalties as are provided and contained in the laws now existing, or that may hereafter be passed concerning constables within this commonwealth, and the said constable so appointed shall do and perform all the duties required to be done by the high constable of said borough, in pursuance of this act, and of the by-laws and ordinances of said borough. Constables how elected.

SECTION 14. That the territory within the limits of the said borough shall be a separate district for school purposes, and for the levy and collection of county rates and taxes, and in all other respects shall be separate from the township of Oliver, in said county, and that all jurisdiction of the officers of said township, from the third Friday of March next, shall cease, except so far as to collect any taxes that may then be due and owing to them, from the inhabitants of said borough: Newport borough declared a school district with power to levy and collect taxes, &c.
Provided, That nothing herein contained shall be construed to effect the election district as now formed, but that the town- Proviso.

ship of Oliver, including the borough of Newport, shall be and remain an election district, the same as though this act had not been passed.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The tenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 37.]

A N A C T

To incorporate the First Baptist Church of Newtown township, in the county of Delaware,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the members of the First Baptist church, in the township of Newtown, be and the same are hereby created and erected into one body politic and corporate, in deed and in law, by the name, style and title of "the First Baptist church of Newtown township," in the county of Delaware, and by the same name shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, and shall be able and capable to take and hold lands and tenements, goods and chattels, real, personal and mixed, which are now or may hereafter become the property of said congregation or body corporate, by gift, grant, devise, bequest or otherwise, and the same to convey, lay out, apply or dispose of, in such manner as a majority of the trustees of the said congregation shall direct and appoint; and according to the true intent of donors, grantors and devisors, and the yearly value or income of the real, personal or mixed estate of said congregation, shall not at any time exceed the sum of two thousand dollars, exclusive of annual stated contributions.

Name and style.

Powers and privileges.

Trustees.

SECTION 2. That Andrew Alexander, David Alexander, Jacob Green, William P. Hibbed, and Thomas Daniel, be

trustees, to continue in office for one year, and until others be chosen in such manner, time and place, as shall be determined by a majority of the members of said church.

SECTION 3. That the said trustees shall choose by ballot, President, &c. ^{how chosen.} from among their number, a president and secretary, and shall also choose a treasurer, who is a member of the congregation, and who shall, if required by the trustees, give security for the faithful performance of the trust reposed in him, and to account to them for all sums of money received by him; and in case of the removal of the president or any of the trustees, or of any other officer of the board of trustees, by death, resignation, neglecting to attend the meeting of the said board ^{Vacancies how supplied.} twice in succession, without good cause or otherwise, the vacancy or vacancies shall be supplied by said board until the next annual election.

SECTION 4. That the trustees and their successors shall have full power to make and to use one common seal, and the same ^{Seal.} to alter and renew at pleasure, to enact and enforce such by-laws and ordinances as may be proper and necessary for the ^{By-laws.} regulation and transaction of the business of the corporation, to change the time for holding the annual meeting for electing ^{Annual meeting.} trustees from time to time as they may find convenient, or if the congregation neglect to elect on the day of the annual meeting, appoint any subsequent time on which said election shall be held: *Provided*, That notice thereof be given from ^{Proviso.} the pulpit, or in such other manner as a majority of the trustees may direct. at least two weeks before said election: *And* ^{2d Proviso.} *provided also*, That said by-laws and ordinances shall not be inconsistent with the constitution or laws of this state or of the United States.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The tenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 38.]

A N A C T

To incorporate the Crispin Cemetery, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Benjamin Crispin, Paul Crispin, Robert C. Green, Thomas Creighton, and James A. Creighton, and their successors shall be, and they are hereby declared one body politic and corporate, under the name, style and title of the Crispin Cemetery, and by the same name shall have perpetual succession; shall be able to sue and be sued, implead and be impleaded, in all courts of record or elsewhere; to have and use a common seal, and the same to break and renew at pleasure, and to do all such other things as are incident to a corporation.

Name and style.

Powers and privileges.

Object of corporation.

Repealing clause.

SECTION 2. This corporation shall be authorized and empowered to preserve and keep in order the burial ground, in the township of Lower Dublin, in the county of Philadelphia, known by the name of the Crispin Cemetery; and the same to hold and lay out in suitable lots and walks, improve, ornament and sell, and shall make such by-laws, rules and regulations relative thereto, as they may deem proper and needful.

SECTION 3. The legislature reserves the power to alter, revoke or annul the privileges and charter hereby granted, whenever in their opinion the same may be injurious to the citizens of the commonwealth, in such manner however that no injustice shall be done to the corporators.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The tenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 39.]

A N A C T

To establish the Juliet Academy and School for Teachers, in the county of Erie.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That there shall be, and hereby is established in the village of Juliet, in the county of Erie, an academy for the instruction and qualification of Teachers of common schools, and for the instruction of youth in the useful arts, sciences and literature, in the English and other languages, by the name, style and title, of the Juliet academy and school for Teachers, under the care and direction of six trustees, who, and their successors in office, shall be and hereby are declared to be one body politic and corporate, in deed and in law, by the name and style of the trustees of the Juliet academy and school for Teachers; and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere; and shall be capable in law and equity to take and to hold to them and their successors, for the use of said academy, lands, goods, chattels, and moneys of every kind whatsoever, by gift, grant, conveyance, devise or bequest, from any person or persons whomsoever capable of making the same, and the same from time to time to sell, convey or dispose of for the use of said academy, and to erect such buildings as may be necessary; and to make, have and use a common seal, and the same to break and alter at pleasure, and generally do all and singular the matters and things which shall be lawful for them to do for the well being of the said academy, and the due management and ordering of the affairs thereof.

Academy established.

Name and style.

Powers and privileges.

SECTION 2. And the first election of trustees shall take place on the first Friday in April, in the year one thousand eight hundred and forty, and on the same Friday thereafter annually, in the building of the said academy, in the village of Juliet aforesaid, and the said election shall commence at the hour of two o'clock, P. M., and shall be conducted by the trustees hereinafter provided; and no person shall hereafter be allowed to be a trustee, or to vote for trustees, unless he shall have subscribed and paid to the funds of said academy the sum of five dollars; the vote shall be given by ballot, and each ticket

Election of trustees.

Classification.

Treasurer to
give bond.Trustees ap-
pointed.

Proviso.

shall be labelled on the outside trustees of the Juliet academy, and at the first election shall contain the names of six persons, and the six having the greatest number of votes, and being qualified according to the provisions of this act, shall be the trustees for the ensuing year, and until their successors are elected, notice of which election shall be given to the said elected trustees by those who conducted the election, as soon as convenient after the said election; the said trustees shall by lot divide themselves into three classes of two each: the term of office of the first class shall expire in one year after their election; that of the second in two years, and that of the third in three years, and after the first election but two trustees shall be elected annually; the board of trustees shall have power to fill vacancies, to appoint their president yearly, who shall be one of the elected trustees, and they shall have power to enact such by-laws as may be necessary, not being inconsistent with the constitution and laws of the United States, or the constitution and laws of this commonwealth; and four of the said trustees shall constitute a quorum, and a quorum may in the absence of the president appoint a president pro tempore: The said board of trustees shall appoint a secretary and treasurer yearly, but they shall have power to remove either whenever a majority of the board shall think proper: The treasurer shall, before he commences the duties of his office, give a bond to said corporation, with one or more sureties, to be approved of by a majority of the managers, for a penal sum, double the estimated amount for the time being of the funds of the corporation conditioned for the performance of his duties enjoined, and the repayment of moneys received by him.

SECTION 3. David B. Jackson, George Stuntz, and James P. Paul, are hereby appointed trustees of said corporation until their successors be elected, with the same powers as are hereinbefore vested in the board of trustees hereafter to be elected: *Provided*, That the said corporation shall not be entitled to receive the annual appropriation made to academies, by the fourth section of an act passed the twelfth day of April, one thousand eight hundred and thirty-eight, entitled a supplement to an act to consolidate and amend the several acts relative to a general system of education by common schools, passed the thirteenth day of June, one thousand eight hundred and thirty-six.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The tenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 40.]

A N A C T

To provide for the erection of a House for the employment and support of the Poor, in the county of Greene.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That John Rogers of Centre township, Isaac Burson of Cumberland township, Benjamin Jennings of Marion township, be and are hereby appointed commissioners, whose duty it shall be, or a majority of them, on or before the first day of January, Anno Domini, eighteen hundred and forty-two, to determine upon and purchase such real estate as they shall deem necessary for the accommodation of the poor of Greene county; and it shall be lawful for said commissioners, or a majority of them, to take conveyances therefor, in the name and for the use of the corporation mentioned in the third section of this act, and they shall certify their proceedings therein, under their hands and seals to the clerk of Quarter sessions of the county of Greene, to be filed in his office; and at the next general election, the qualified electors of Greene county shall elect three reputable citizens of the said county, to be directors of the poor and of the house of employment for the county of Greene, for the ensuing year; and the judges of the election of said county shall immediately, on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter, certify under their hands and seal, the names of persons so elected directors to the clerk of the court of Quarter sessions of the said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said directors of their being elected; and the said directors shall meet at the court house in the said county, on the first Monday of November next ensuing their election, and divide themselves by lot into three classes: the place of the first to be vacated at the expiration of the first year, of the second at the expiration of the second year, of the third at the expiration of the third year; so that those who shall be chosen after the first election, and in the mode above described, may serve for three years, and one-third may be chosen annually.

Commiss'rs.

To purchase
real estate.Directors.
how elected.Classification
of directors.

SECTION 2. Every director elected in manner aforesaid, or appointed as is directed by the eleventh section of this act, shall within ten days after he is notified of such election or appointment, and before he enters upon the duties of the said office, take an oath or affirmation, which any justice of the peace of the said county is hereby authorized to administer, that he will discharge the duties of the office of director of the poor for the said county, truly, faithfully and impartially, to the best of his knowledge and ability; and in case of neglect or refusal to take the said oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of ten dollars for the use of the poor of said county, which fine shall be recovered by the directors for the time being, as debts are or shall be by law recoverable, and the directors qualified as aforesaid are hereby authorized to administer an oath or affirmation, in any case when it shall be necessary in relation to the duties of their office.

Directors to
be sworn or
affirmed.

Forfeiture.

May adminis-
ter oaths, &c.

Liberties and
franchises.

Treasurer to
give bond.

Stewart, ma-
tron, physi-
cian and at-
tendants.

Proviso.

SECTION 3. The said directors shall forever hereafter, in name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever relative to the poor of the county of Greene, and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style, and title of the directors of the poor and of the house of employment for the county of Greene; and by that name shall and may receive, take and hold, any lands, tenements and hereditaments, not exceeding the yearly value of ten thousand dollars; and any goods and chattels whatsoever of the gift, alienation or bequest of any person or persons whatsoever, to purchase, take, and hold any lands and tenements within their county, in fee simple or otherwise, and erect suitable buildings for the reception, use and accommodation of the poor of said county; to provide all things necessary for the lodging, maintenance and employment of said poor; to appoint a treasurer annually, who shall give bond, with full and sufficient surety, for the faithful discharge of the duties of his office, and at the expiration thereof, for the payment and delivery over to his successor in office, of all moneys, bonds, notes, books, accounts, and other papers to the said corporation belonging, which shall then be remaining in his hands, custody and possession; and said directors shall have power to employ, and at pleasure remove a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other attendants that may be necessary for the said poor respectively; to bind out apprentices, so that such apprenticeship may expire, if males, at or before the age of twenty-one years, if females, at or before the age of eighteen years, such poor children as shall come under their notice, or as may now be bound apprentices by the overseer of the poor: *Provided*, That no child shall be bound at a greater distance than thirty

miles from the poor house; and the said directors shall exercise and enjoy all such other powers not now vested in the overseers of the poor, as are not herein granted or supplied, and the said directors are hereby empowered to use one common seal in all business relating to the said corporation, and the same at their pleasure to alter and renew.

SECTION 4. The said directors, as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands and building, or erecting the necessary building or buildings, and furnishing the same, and maintaining the poor within the said county for one year; whereupon, the county commissioners of the said county shall, and they are hereby authorized and required to increase the county tax, by one-fourth part of the sum necessary for the purpose aforesaid, and shall procure on loan, on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof to be paid in instalments with interest, out of the county taxes: *Provided always*, That if such loan cannot be made, the whole amount of the sum necessary for the purpose aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax, to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favor by the county commissioners, as the same may be found necessary.

Estimate of cost of lands, building, &c. furnishing.
Money—how raised.
Proviso.

SECTION 5. It shall be the duty of the said directors on or before the first day of November, in each and every year, to furnish the commissioners of said county with an estimate of the probable expense of the poor and poor house for one year; and it shall be the duty of said commissioners to assess, and cause to be collected the amount of said estimate, which shall be paid to said directors by the county treasurer, on warrants drawn in their favor by the county commissioners, as the same may be found necessary; and the said directors shall, at least once in every year, render an account of all moneys by them received and expended, to the auditors appointed to audit and settle the county accounts, subject to the same penalties, rules and regulations, as are by law directed respecting the accounts of the county commissioners; and shall, at least once in every year, lay before the court of Quarter sessions and grand jury of said county, a list of the number, ages, and sex of the persons maintained and employed in the house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeship as aforesaid, with the names of their masters or mistresses, and their trade, occupation or calling; and shall, at all times when thereunto required, submit to the inspection and free examination of such visitors as shall from time to time be appointed by the court of Quarter sessions of the said county, all their

Directors to furnish commissioners with annual estimate.
To settle with auditors.
To submit list of paupers ages, &c., to court.

books and accounts, together with the rents, interests and moneys payable, and receivable by the said corporation; and also, an account of all sales, purchases, donations, devices and bequests, as shall have been made by or to them.

SECTION 6. As soon as the said buildings shall have been erected or purchased, and all necessary accommodations provided therein, notices shall be sent, signed by any two of the said directors, to the overseers of the several townships of the said county of Greene, requiring them forthwith to bring the poor of their respective townships to said house of employment, which order the overseers are hereby enjoined and required to comply with, or otherwise to forfeit the costs of all future maintenance, except in cases when by sickness or any other sufficient cause any poor person cannot be removed, in which case the said overseers shall represent the same to the nearest justice of the peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at the same time issue an order, under his hand and seal to the said overseers, directing them to maintain such poor until such time as he or she may be in a situation to be removed, and then convey the said pauper and deliver him or her to the steward or keeper of the said house of employment, together with the said order, and the charge and expense of such temporary relief and of such removal, shall be paid by the said directors at a reasonable allowance.

Expenses:
how paid.

Relief—how
obtained.

Out-door re-
lief.

Proviso.

SECTION 7 The said directors shall, from time to time receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in said county of Greene, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said county of Greene, or to the overseers of the proper township in any other county of this commonwealth; and the said directors are hereby authorized, when they shall deem it proper and convenient to do so, to permit any poor person or persons to be maintained elsewhere: *Provided*, The expense of their maintenance does not in any case exceed that for which they could be maintained at the poor house of the said county of Greene.

Power of di-
rectors, rules
and regula-
tions.

Proviso.

SECTION 8. The said directors, or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain such ordinances, rules and regulations as they shall think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their cognizance: *Provided*, The same be not repugnant to this

law, or any of the laws of this state or of the United States :
And provided also, That the same shall not have any force or effect, until they shall have been submitted to the court of Common Pleas for the time being, of the county of Greene, and shall have received the approbation of the same.

2d Proviso.
 Rules to be
 submitted to
 court.

SECTION 9. The said directors, or a majority of them, shall have full power and authority to administer oaths or affirmations to all persons residing in the said house of employment, or becoming chargeable to the said county, touching their place of legal settlement; and in case such poor person or persons shall refuse to take the said oath or affirmation, or shall refuse to answer such questions as shall be asked by the said directors touching and relating to said settlement, the said directors may withhold all further relief from such poor person or persons, until he, she or they shall consent to take such oath or affirmation, and answer all such questions as aforesaid; and the said board of directors, or a majority of them, in addition to the power hereinbefore granted, are authorized and empowered to administer oaths and affirmations in all cases whatever relating to their official duties.

To adminis-
 oaths to pau-
 pers.
 On refusal to
 answer: re-
 lief withheld.

SECTION 10. A quorum of said directors shall, and they are hereby enjoined and required to meet at the said house of employment, at least once in every month, and visit the apartments and see that the poor are comfortably supported, and hear all complaints and redress, or cause to be redressed, all grievances that may happen by the neglect or misconduct of any person or persons in their employment, or otherwise.

Monthly
 meeting.

SECTION 11. The said directors shall each of them receive for their services, annually, the sum of twenty dollars, to defray the expenses of the necessary attendance on the duties of their office.

Compensat'n

SECTION 12. In case of any vacancy by death, resignation or otherwise, of any of the said directors, the remaining directors shall fill such vacancy by the appointment of a citizen of their county, under the same penalty as is provided by the third section of this act, to serve until the next general election, when another director shall be elected to serve, as if no such vacancy had happened.

Vacancies :
 how filled.

SECTION 13. All claims and demands existing at the time of this act being carried into effect, shall have full force and effect as if this act had not passed, and when the same may have been duly adjusted and settled, all monies remaining in the hands of the overseers, as well as the uncollected taxes levied for the support of the poor in the several townships in the county of Greene, shall be paid over to the supervisors of the highways of their respective townships, to be by them applied towards repairing the roads therein.

Uncollected
 taxes, &c.
 how disposed
 of.

SECTION 14. As soon as the poor of the county of Greene shall have been removed to the house of employment of the

Office overseer
 abolished.

said county, and the outstanding taxes collected and paid over, the office of overseer of the poor within the said county shall from thenceforth be abolished.

Of duties transferred to supervisors. SECTION 15. The powers conferred, and the duties imposed on the overseers of the poor, in and by an act to empower the overseers and guardians of the poor, in the several townships within this commonwealth, to recover certain fines, penalties and forfeitures, and for other purposes, are hereby conferred and imposed on the supervisors of the highways in the said county of Greene; and that the justices of the peace and sheriff within the said county, are hereby required and enjoined to pay to the said supervisors, to be by them applied to the repair of the highways, the aforesaid fines, forfeitures and penalties, within the time and in the manner prescribed by the said act, for the payment thereof in other counties to the overseer of the poor, and to give notice of the receipt thereof to the said supervisors within the time, and in the manner aforesaid; and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the said justices of the peace and sheriff in the said county, shall be subjected to all fines, penalties and forfeitures, to which the justices and sheriffs in other counties by the said act are subject or liable.

Co. commrs to compensate directors. SECTION 16. The commissioners of said county are hereby authorized and empowered to pay to the directors a reasonable compensation for their services, during the term they are employed in erecting any building or buildings aforesaid: *Provided* the same shall not, excluding the annual sum allowed them by this act, exceed fifty dollars for any one year.

Repealing clause. SECTION 17. So much of the laws of this commonwealth, relating to the poor, as are by this act altered or supplied, be and the same is hereby repealed, so far as they effect the county of Greene.

Duty of sheriff. SECTION 18. That the sheriff of the said county shall in due time notify the said commissioners of their appointment, and when and where they shall meet for entering upon the duties assigned them by this act, which place of meeting shall be as near the centre of the county as possible.

Citizens to vote "for" and "against" a poor house. SECTION 19. For the purpose of ascertaining the sense of the citizens of Greene county, as to the expediency of erecting a poor house, it shall be the duty of each of the inspectors for the several townships and boroughs, at the next general election, to receive tickets either written or printed from the qualified voters thereof, labelled on the outside "Poor house," and in the inside "for a poor house" or "Against a poor house;" and if it shall appear, upon casting up the votes of the different districts at the court house, on the same day that other returns are made out, that a majority of those who voted are

for a poor house, then the foregoing act to take effect; but if a majority of the votes are found to be against a poor house, the foregoing act to be, and the same is hereby declared null and void.

WM. HOPKINS,
Speaker of the House of Representatives.

W. T. ROGERS,
Speaker of the Senate.

APPROVED—The tenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 41.]

A N A C T

To incorporate the Chester Library company, of Delaware county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the Chester Library company, in the county of Delaware, is hereby erected into a body politic and corporate, in deed and in law, by the name, style and title, of "The Chester Library Company," and by the same name shall have perpetual succession, and be able to sue and be sued in all courts of law and elsewhere, and shall be capable in law and equity to take and hold for the use of said library, any goods and chattels, or any sum or sums of money, by gift, grant, bargain, sale, will, devise or bequest, from any person or persons whomsoever capable of making the same, and the same to grant, bargain and sell for the use of the said library, and generally to do all and singular the matters and things which shall be lawful for them to do, for the well being and due management of the affairs thereof.

SECTION 2. That this library company shall consist of all such persons as are now members, or shall hereafter be admitted as such, agreeably to the by-laws of said company.

SECTION 3. That the officers of said company shall consist of one president, five directors, one treasurer, one librarian and one secretary. The duties of said offices shall be particularly set forth in the by-laws of said company.

Officers how
and when
chosen.

SECTION 4. That the officers enumerated by this act, with the exception of the librarian, shall be chosen by ballot at a general meeting of the said library company, on the first Wednesday of May annually, to continue in office for one year, or until their successors be elected, and the librarian shall be appointed by the president and board of directors.

Funds how
raised and ap-
propriated.

SECTION 5. That the funds of this company shall be raised by stock and instalments, and shall be exclusively appropriated to the purchase of books and the necessary apparatus for the library, and for a building to accommodate the same.

By-laws, &c.
Proviso.

SECTION 6. That the company shall have power at any general meeting to make such by-laws as may be deemed necessary for its better regulation: *Provided*, That such by-laws are not repugnant to, or inconsistent with the constitution and laws of this state, or of the United States.

Legislature
may annul.

SECTION 7. That the legislature reserves the right to alter, amend or annul the charter at any time hereafter.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 42.]

A SUPPLEMENT

To an act entitled an act to incorporate the Columbia Academy, in the county of Lancaster, and for other purposes.

Preamble.

WHEREAS George B. Hamilton, Lindsay C. Pritner and Robert Potter, all of the county of Clarion, were appointed by the Governor, (in pursuance of an act of assembly,) to be commissioners with power, (by the said act of assembly,) to contract for the erection of suitable public buildings for said county of Clarion, and also to take sufficient deeds for any lands granted by any person or persons to said county, in trust nevertheless for the use and benefit of the said county of Clarion: *And whereas*, it hath been represented that certain lands in the said county, amounting to two hundred acres or thereabouts, have been conveyed to the said commissioners for the

uses aforesaid, and the same or parts of the same have been sold by them accordingly : Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:* That any sale or grant of any of the said lands heretofore made by the said commissioners, be and the same is hereby confirmed and made valid, and of the same force and effect as if the said commissioners had possessed power to sell, and the said George B. Hamilton, Lindsay C. Pritner and Robert Potter, or a majority of them, are hereby authorized and empowered to sell and convey, any and all the said lands, and to apply the proceeds or so much thereof as may be necessary to the erection of the said public buildings for said county, and the surplus, if any, to the general uses declared by the donor or donors thereof: *Provided*, that the said commissioners, before giving any conveyances as aforesaid, shall give bond and security to the satisfaction of one or more judges of the court of Common Pleas of Venango county, for the proper application of the money arising from said sale.

Sale by commissioners confirmed.
Proceeds how invested.
Surplus how disposed of
Proviso.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 43.]

A N A C T

To incorporate the English Evangelical Lutheran Church, in the city of Pittsburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the first English Evangelical Lutheran church, in the city of Pittsburg, is hereby erected into one body corporate and politic, in deed and in law, by the

Church established.

Style. name, style, and title of the first English Evangelical Lutheran church, in the city of Pittsburg, and by the same name, style, and title shall have perpetual succession, and be able to sue and be sued in all courts of law and elsewhere, and shall be able and capable in law and equity, to take and hold lands and tenements, goods and chattels, of whatever kind or quality, real, personal or mixed, which are now, or hereafter shall become the property of the said church, by gift, grant, bargain, sale, conveyance, assurance, will, devise, bequest or otherwise, from any person or persons whomsoever, capable of making the same, and the same to grant, bargain, sell or dispose of: *Provided*, The yearly value of the income of said real and personal estate, shall not at any time exceed four thousand dollars.

Privileges and franchises.

Yearly income limited.

SECTION 2. That no person shall be considered a member of said church, so as to be entitled to vote at any election for pastor, for trustees, elders, or wardens, except such as shall have paid one years pew rent, or rent for part of a pew, sufficient for one person at least, and shall not be in arrears for such rent for more than one year, and shall be in full communion with the English Evangelical Lutheran church, and every member shall be at liberty at any time to withdraw from said corporation: *Provided*, That such withdrawal shall not discharge from accountability any such person, for his or her full proportion of the necessary expenses, accrued during the time he or she has been a member.

Of membership: who may vote at elections.

Proviso.

SECTION 3. That the vestry of said church shall be thirteen in number, consisting of the pastor, three trustees, three elders, and six wardens, and until others be appointed shall consist of the following persons, viz: Rev. John M'Cron; pastor, Christopher Lenhart, George Hubley, and John R. Hersch, trustees; George Weyman, F. A. Heiseley, and Charles Geisenheiner, elders; William J. Anshutz, Jeremiah Ritz, Henry W. Kaufman, Michael Egolf, Samuel Cook, and George Royer, wardens; the present trustees to continue in office until the first Monday in January, eighteen hundred and forty-one. The elders and wardens to divide themselves into three divisions by lot, and the term of service of the first division shall expire on the first Monday in January, eighteen hundred and forty-one; of the second division on the first Monday of January, eighteen hundred and forty-two; of the third division on the first Monday of January, eighteen hundred and forty-three, and on the same day yearly thereafter, the members of the church shall at a general meeting thereof, elect by ballot, three persons to serve as trustees, to hold their office one year, and one person to serve as elder and two to serve as wardens, to continue in office for three years. If any vacancy by death or otherwise shall happen in said vestry, the remainder shall have power to fill such vacancy, by appointing a suitable per-

Vestry.

Classification of elders and wardens.

Trustees, elders and wardens: how and when elected.

Vacancies: how filled.

son or persons as the case may require, until the next general meeting of the congregation on the day above mentioned, when a regular election shall take place.

SECTION 4. That the said vestry shall have full power to enact and enforce such by-laws and ordinances as they may deem proper, for the regulation and transaction of the business of said corporation: *Provided*, That said by-laws and ordinances shall not be inconsistent with the constitution or laws of this state, or of the United States.

Power of vestry to enact by-laws.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 44.]

A SUPPLEMENT

To an act entitled an act relating to Inspections.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the Governor shall appoint an inspector of domestic distilled spirits for the borough of Allentown, in the county of Lehigh, who shall have all and singular the powers and authorities, and shall be subject to all and singular the duties and liabilities provided for in the act to which this is a supplement.

Governor to appoint in-
spectors at Allentown.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 45.]

A N A C T

To re-establish the District Court for the city and county of Lancaster.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:

District court
re-established.

Style.

President to
be appointed.

Power and
authority.

Former acts
relating to
courts, &c.
declared in
full force.

That from and after the first day of May, one thousand eight hundred and forty, the district court for the city and county of Lancaster shall be re-established, and by the same name, style and title, shall be continued with all the authority, power and jurisdiction, conferred upon it by the act of assembly relating thereto, and now in force; the said court shall consist of a president learned in the law, who shall have and exercise the same authority, power and jurisdiction, be subject to the same duties, and governed by the same provisions as the present judge of the existing court, under the several acts of assembly referred to; and that such parts of the act entitled an act to provide for the erection of an additional court, within the city and county of Lancaster, passed the tenth day of March, one thousand eight hundred and twenty-three; and of the act entitled an act re-organizing the district court for the city and county of Lancaster, passed the tenth day of April, one thousand eight hundred and twenty-six; and of the act entitled a supplement to the act to alter the judiciary system of this commonwealth, so far as the same relates to the district court in the counties of Lancaster and York, passed the fourteenth day of April, one thousand eight hundred and twenty-eight; and of the second and third sections of the act, entitled a supplement to an act entitled an act authorizing the governor to incorporate the Allegheny and Conewago canal company, and for other purposes, passed the eighth day of April, one thousand eight hundred and twenty-nine; and of the supplement to the last mentioned act, passed the twenty-third day of April, one thousand eight hundred and twenty-nine; and of the act entitled an act to continue in force the several acts relative to the district court for the counties of Lancaster and York, and for other purposes, passed the eighth day of April, Anno Domini, one thousand eight hundred and thirty-three, as are now in force, and relate to the district court of the city and county of Lancaster, and are not inconsistent with this act, are hereby revived, and

continued in force from and after the said first day of May, one thousand eight hundred and forty, in relation to the court re-established by this act, and shall have the same effect as if the said several enactments had been set forth at length, and contained herein word for word.

SECTION 2. From and after the first day of May, one thousand eight hundred and forty, all actions, motions, rules, matters and things, depending in the present district court for the city and county of Lancaster, and all process issued from and returnable thereto, shall be proceeded in by the court re-established by this act, and shall have the same effect in law, as if there had been no limitation to the present court.

Power and jurisdiction of court.

SECTION 3. The district court for the city and county of Lancaster, re-established by this act, shall exercise and perform all the powers and duties, which by the act entitled an act relating to domestic attachments, passed the thirteenth day of June, one thousand eight hundred and thirty-six; by the act entitled an act relating to writs of quo warranto and mandamus, passed the fourteenth day of June, one thousand eight hundred and thirty-six, and by the act entitled an act relating to assignees, for the benefit of creditors and other trustees, passed the fourteenth day of June, one thousand eight hundred and thirty-six, are conferred and enjoined upon the courts of common pleas.

Certain powers of Com'n Pleas vested in district court.

SECTION 4. A person learned in the law, shall on or before the first day of May, one thousand eight hundred and forty, be nominated by the Governor, and by and with the advice and consent of the Senate appointed and commissioned by him, as president of the said district court, for the city and county of Lancaster, who shall receive the same yearly compensation, to commence from the said first day of May, one thousand eight hundred and forty, payable quarterly by the State Treasurer, as is now received by the several judges of the district court for the county of Allegheny.

President: how appointed.

SECTION 5. In all actions instituted in the said court, on bills notes, bonds or other instruments of writing for the payment of money and for the recovery of book debts, in all actions of scire facias on judgments, and on liens of mechanics and material men, under the act of the seventeenth of March, one thousand eight hundred and six, and the various supplements thereto, it shall be lawful for the plaintiff, on or at any time after the third Saturday succeeding the several return days of said court, on motion, to enter a judgment by default, notwithstanding an appearance by attorney, unless the defendant shall previously have filed an affidavit of defence, stating therein the nature and character of the same: *Provided*, That in all such cases no judgment shall be entered by virtue of this section, unless the said plaintiff shall, within two weeks after the return of the original process, file in the office of prothono-

Judgments: how entered in certain cases.

Proviso.

tary of the court hereby erected, a copy of the instrument of writing, book, entries, record or claim, on which action has been brought.

President to
preside in
court of Com.
Pleas, &c., in
certain cases.

SECTION 6. It shall be the duty of the President of the district court for the city and county of Lancaster, after the passing of this act, and he is hereby authorized to preside in the court of common pleas and the orphans court of the said county, in all cases in which the president of the said court of common pleas may be interested, or may have been concerned as counsel, and the prothonotary of the said county, ten days before the commencement of each term, or adjourned court of the common pleas, and of the orphans court, shall furnish the said president of the district court with a list of such of those cases as shall have been set down for trial or argument.

Duration of
court.

SECTION 7. This act shall continue and remain in force for the term of ten years from the first day of May, Anno Domini, one thousand eight hundred and forty, and no longer.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 46.]

A N A C T

Repealing the act authorizing the laying out of a state road leading from a point on the turnpike from York Haven, and to intersect the turnpike leading from York to Wrightsville, in York county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the sixteenth, seventeenth, eighteenth, nineteenth, twentieth, and twenty-first sections of an act of assembly, passed the thirtieth day of March, Anno Domini, one thousand eight hundred and thirty-eight, entitled an act autho-

rizing the Governor to incorporate the Franklin and Emlenton turnpike road company, and for other purposes, which authorizes the laying out of a state road from a point in the turnpike road leading from York to York Haven, at the latter place, thence extending along the Susquehanna river, as near as practicable, and to intersect the turnpike road from York to Wrightsville, at the Columbia bridge, in York county; so much of the fifth section of an act of assembly, passed the fourteenth day of April, Anno Domini, one thousand eight hundred and thirty-eight, entitled an act to provide for the repairs and continue the improvements of the State, and for other purposes, as appropriates the sum of eight hundred dollars towards the construction of this road, and appoints commissioners to expend the same; and the twenty-fourth section of an act of Assembly, passed the twenty-fourth day of June, Anno Domini, one thousand eight hundred and thirty nine, entitled an act authorizing the laying out of certain state roads, and for other purposes, which extends the time for laying said road, and appoints additional and other commissioners to lay out the same, be and the same are hereby repealed, and the commissioners who have received the said sum of eight hundred dollars out of the treasury of the commonwealth, for the purpose of expending the same in the construction of said road, are hereby directed and required, immediately after the passage of this act, to return and repay into the treasury of this commonwealth the said sum of eight hundred dollars; and in case they should fail or neglect so to do, the Auditor General and Attorney General are hereby required and directed, forthwith to institute the necessary suit or suits and proceedings, for the recovery of the said sum from the commissioners who have received the same, and their sureties, and to compel the repayment of the same into the treasury of this commonwealth.

Certain sections of former acts repealed.

Commissioners to return and repay certain monies into the treasury of the State, and duty of Auditor, and Attorney General in case of non-payment.

SECTION 2. That the time prescribed for the final settlement of the accounts of the commissioners, appointed to expend the money appropriated to the state road leading from Friedensburg Schuylkill county, to Harpers, in Lebanon county, passed fourteenth of April, Anno Domini, one thousand eight hundred and thirty eight, be and the same is hereby extended for one year from the first of August, one thousand eight hundred and forty.

Commissioners of State road from Friedensburg to Harpers, granted one year to settle accounts.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 47.]

A N A C T

To incorporate the Pennsylvania Hose Company.

Company in-
corporated;
style, privi-
leges, and
franchises.

Yearly in-
come limited.

Seal.

By-laws.

Object.

Funds.

Repealing
clause.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That all and every the persons who shall at the time of the passing of this act be members of the association called the Pennsylvania Hose Company, in the county of Philadelphia, and such as shall hereafter be associated with them, shall be and they are hereby created and declared to be one body politic and corporate by the name, style and title of the Pennsylvania Hose Company; and by the same name shall sue and be sued, plead and be impleaded, in all courts of record or elsewhere, and to purchase, receive, have, hold, and enjoy to them and their successors, lands, tenements, rents, annuities, franchises, hereditaments, goods and chattels of what nature, kind or quality soever; real, personal or mixed, or choses in action, and the same from time to time to sell, grant, alien, mortgage, demise, lease, or dispose of; *Provided*, That the clear yearly value or income of the real or personal estate of the said corporation shall not exceed the sum of two thousand dollars; and also to make and have a common seal, and the same to break, alter and renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances, and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to this charter or the constitution and laws of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of said corporation and the due managing and ordering of the affairs thereof.

SECTION 2. That the following shall be the fundamental articles of the said corporation:

ARTICLE 1. The object of this company shall be the promotion of the public good by the extinguishing of fires.

ARTICLE 2. The funds of the company shall be appropriated to no other objects than those for which the association was instituted.

SECTION 3. The legislature reserves the right to alter, amend or annul this charter at any time hereafter, and the

same shall not directly or indirectly be considered as conferring any other privilege than as a fire company.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 48.]

A N A C T

To authorize the opening and extending of Allen street, in the borough of Lawrenceville, and county of Allegheny.

WHEREAS, it has been represented to this legislature, that an extension of Allen street, in the borough of Lawrenceville, from the point where it now terminates to the Greensburg turnpike road, would be a great public convenience to the inhabitants of said borough : Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the court of quarter sessions of the county of Allegheny shall, on petition to them made, appoint

seven or more disinterested freeholders of the said county, who shall meet on such reasonable notice as shall be prescribed by the said court, for the purpose of viewing the ground proposed for the said extension ; and if any five of the said viewers having been first duly sworn or affirmed to perform with fidelity the duties imposed on them by this act, shall be of opinion that the said extension is necessary for public use, they shall proceed to lay out the same of a width corresponding with that portion of the said street already laid out ; and having assessed the damages done thereby to any lot or lots through which the same may be located, due reference being always had to any advantages arising therefrom to the said lot or lots, shall make return of their proceedings to the next term of the said court, by which, if the same shall be approved, the said return and approval shall be entered of

Preamble.
Court quarter sessions to appoint viewers.

Duties of viewers.

Return how made and streets open'd.

record, and the said extension shall thenceforth be deemed and taken to be a public street: *Provided however*, that the damages so far as aforesaid assessed shall be paid by the said borough of Lawrenceville, and that no order shall be made for the opening thereof, until it shall be first shown to the satisfaction of the said court that the same have been fully paid unto the person or persons entitled to receive the same, or into the said court, for his or their use.

Regulation of costs of viewing, &c. SECTION 2. That the costs of viewing and assessing damages, shall be regulated as the costs of similar proceedings under the laws for laying out roads in this commonwealth.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 49.]

AN ACT.

Supplementary to an act granting certain powers to the authorities of the city of Lancaster and Philadelphia, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That from and after the passage of this act, any persons or persons who may sell by false beams, scales, weights or measures, within the city or county of Philadelphia, such person or persons so offending, shall be subject to the same fine and penalties as is provided for in the twenty-ninth section of the act to which this is a supplement.

Selling by false weights how punished.

Duties of regulator of weights and measures.

SECTION 2. The regulator of weights and measures for the city and county of Philadelphia, is hereby required to stamp or cause to be stamped with the word "condemned," all such false beams, scales, weights or measures, he may find within the said city or county of Philadelphia that cannot be well adjusted, and shall be paid the same fees for every trial or adjustment, as is provided for in said act.

SECTION 3. The fees hereafter to be paid for the trial or adj- Fees.
 justing every platform scale, which draws five hundred pounds
 or under, shall be one dollar, and an additional sum of ten
 cents for every one hundred pounds over five hundred pounds, Additional.
 and not exceeding two thousand pounds : *Provided always,*
 for the sealing of such scales as have been sealed the previous
 year, as are or shall be correct, he shall demand only one half
 the aforesaid fees.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of March, eighteen hundred
 and forty.

DAVID R. PORTER.

[No. 50.]

A FURTHER SUPPLEMENT

To an act entitled an act to graduate lands on which money is due and
 unpaid to the Commonwealth of Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Re-*
presentatives of the Commonwealth of Pennsylvania in Gen-
eral Assembly met, and it is hereby enacted by the authority
of the same ; That all the provisions of the act entitled an
 act to graduate lands on which the money is due and unpaid
 to the Commonwealth of Pennsylvania, passed the tenth day
 of April, one thousand eight hundred and thirty-five, shall be
 and the same are hereby continued in force until the tenth day
 April, in the year one thousand eight hundred and forty-two,
 and no longer. Former act
continued in
force.

SECTION 2. That the time for patenting the in-lots and
 out-lots in the towns of Erie, Waterford, Beaver, Franklin
 and Warren, authorized to be appraised by the fifth section of
 the act entitled an act empowering the burgess and town
 council of the borough of Erie to borrow money, and to sup-
 ply the said borough with water and for other purposes, pass-
 I Patenting in-
lots & out-lots
in Erie, Wat-
erford, Beaver,
Franklin and
Warren, ex-
tended to
1841.

ed the thirteenth day of April, A. D. 1838, be extended to the first day of April, 1841, and no longer.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 51.]

A N A C T

To authorize John White, Edward Smith, and Andrew McClure to convey certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That John White and Elizabeth his wife, Edward Smith and Catharine his wife, and Andrew McClure and Harriet his wife; the said Elizabeth, Catharine and Harriet being the daughters and devisees of Robert James, late of Washington county, deceased, be and they are hereby authorized and empowered to make and execute a deed or deeds of conveyance, transferring and conveying in fee simple, a certain tract of land containing two hundred and one acres, situate in said county of Washington, and being the same tract of land which Robert James, by his last will and testament duly recorded in said county, devised to Elizabeth, Catharine, and Harriet, such conveyance or conveyances to be acknowledged in the manner and form prescribed by the

Robert James
heirs, to con-
vey real es-
tate.

acts of Assembly, relative to conveyances of the estates of *femme covert*.

WM. HOPKINS,
Speaker of the House of Representatives.
 W. T. ROGERS,
Speaker of the Senate.

APPROVED—The thirteenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 52.]

A N A C T

To empower the Governor to return to the President, Managers, and Company of the Bethany and Dingman's Choice turnpike road, certain certificates of stock received from said company, and to authorize suits to be brought for the recovery of the money paid for said stock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the Governor of this commonwealth be and he is hereby authorized and required to return or tender, or cause to be returned or tendered, to the president, managers, and company of the Bethany and Dingman's Choice turnpike road, the certificate of stock received from said company, in consideration of the sum of six thousand dollars subscribed by the Governor, according to the provisions of the fourth section of the act of fourteenth April, one thousand eight hundred and thirty eight, entitled an act to provide for the repairs and to continue the improvements of the state, and for other purposes; and the said president, managers, and company, upon the return of said stock or tender thereof as aforesaid, are hereby required to pay back the said sum of six thousand dollars, with interest, to the Governor, or some one authorized by him to receive the same, and upon such repayment the duties and liabilities incurred by said company, in consequence of the receipt of the money and issuing said stock, shall cease and determine, and said certificates shall be null and void: *Pro-*

Certificates of stock of Bethany and Dingman's Choice turnpike to be returned.

Money received by company to be refunded.

Proviso. *vided*, That a return of said certificates of stock, or a tender thereof as aforesaid, to either the president, treasurer, secretary, or any manager of said company, or to one who was president, treasurer, secretary or manager at the time said certificates were issued, shall be a sufficient return or tender of said certificates, in compliance with this act.

Suit against company. SECTION 2. Should said president, managers, and company neglect or refuse to pay back the said six thousand dollars with interest, as required by the first section of this act, the Governor shall issue a certificate to Daniel W. Dingman, Rudolphus Bingham, and Oliver S. Dimmick, or either of them, of such return or tender of said certificates of stock to said company, and of the neglect or refusal of the said president, managers, and company to pay back the said six thousand dollars, with interest, and upon the receipt of such certificate from the Governor, the said Daniel W. Dingman, Rudolphus Bingham, and Oliver S. Dimmick, or either of them, shall be and they hereby are authorized to bring, in their own names or name, one or more actions for money had and received, against any one or more of the persons who were in office in said company either as president, manager, secretary, or treasurer at the time of the receipt of the said money from the commonwealth, or who were such officers at any time when said money was applied to any purposes, other than to be expended between Dingman's Ferry and the Milford and Owego turnpike road, to recover the said six thousand dollars, or such part thereof as has not been applied according to the provisions of said fourth section of the act of the fourteenth of April, one thousand eight hundred and thirty-eight, together with interest and costs; which said action or actions shall be brought in the court of common pleas of Pike county, and shall not abate by reason of the death of either of the plaintiffs, nor on account of the joinder of any person as defendant who did not hold office in said manner aforesaid; and said court shall make all necessary rules and orders on said company, for the production of their books, papers, and records, and the Sheriff of Pike county shall serve all process, and execute all out of the county, when the person or persons necessary to be served with any writ, process, or rule, do not reside in Pike county.

Trial and evidence. SECTION 3. On the trial of any action brought in pursuance of this act, the certificate of the governor, issued under the requirements of the second section of this act, shall be received as evidence of the facts therein set forth; and if, on the trial of any such action, it shall appear that the defendant or defendants held office in said company, either as president, secretary, treasurer or manager, at the time of the receipt of the said six thousand dollars from the commonwealth, or held all or either of said offices, at any time when said money was applied to any purpose, other than to be expended between

Who liable as defendants.

Dingman's ferry and the Milford and Owego turnpike road, the plaintiff shall be entitled to recover said money, unless the defendant or defendants shall prove that said money was never paid by the said commonwealth, or that it had been applied according to the true intent and meaning of the said fourth section of the act of fourteenth April, one thousand eight hundred and thirty-eight.

SECTION 4. Upon the rendition of the judgment in any suit or action hereby authorized, the plaintiff may proceed to recover the same by execution, as in other cases, which shall be executed by the sheriff of Pike county; and if property of the defendant or defendants cannot be found in Pike county, said sheriff may go into any county where property can be found, and execute said writ: *Provided however*, that the sheriff shall advertise the sale of said property in the county where the levy shall be made, as well as in Pike county, and the money when collected shall be paid into the treasury of the state, for the uses and purposes now provided by the 8th section of the act of 14th June, 1839, entitled "an act to authorize the governor to incorporate a company to make a turnpike road from Dingman's ferry, in Pike county, to intersect the Milford and Owego turnpike road, in said county, and for other purposes.

SECTION 5. The person or persons from whom said money may be recovered under this act, shall have their action or actions over against the president, managers, and company of the Bethany and Dingman's Choice turnpike road, for the whole sum recovered, or against any individual for such proportion of the same money as he may have received, contrary to the object and intention of the law authorizing the subscription to the stock of said company.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The fourteenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 53.]

A N A C T

To improve the navigation of the Lehigh river, in the counties of Monroe and Luzerne.

Preamble. WHEREAS, It is represented by the petition of a large number of the inhabitants of the counties of Monroe and Luzerne, that the improvement of the navigation of the Lehigh river, at and above the Great Falls of the same, would tend to the public benefit: Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That all such persons as shall become subscribers according to the mode hereinafter prescribed, their successors and assigns shall be and they are hereby created a body politic and corporate, by the name of "The Upper Lehigh Navigation Company," and by that name shall be capable in law to sue and be sued, implead and be impleaded, to make and use a common seal, and the same at pleasure to alter and amend, and also to ordain, establish, and carry into execution, such by-laws and regulations as shall by its president and directors be judged necessary and convenient for said company from time to time; *Provided*, the same shall not be contrary to the constitution of the United States, or of this State.

Upper Lehigh Navigation Company incorporated.

SECTION 2. That the said company when regularly organized as provided for in this act, are hereby authorized to construct at the Great Falls of the Lehigh river, in the counties of Monroe and Luzerne, a lock or locks, or inclined plane, or both with the necessary machinery for the safe passage of rafts descending said river, and also to put in such dams, wing-walls, locks, and schutes, as they may deem necessary to improve the navigation of the river above said Falls, and it shall and may be lawful for the said Company from time to time, and at all times to remove all obstructions in the line of said navigation; *Provided*, That no authority hereby given

To construct Locks at Great Falls.

To remove obstructions.

shall authorize said company to place any obstructions in said river to prevent the several owners along the said river from erecting any Mills or Factories thereon; and, *provided*, that no unnecessary damage shall be done to the adjacent proprietors or lands. Water power
protected.

SECTION 3. That Charles Trump, Miller Horton, John S. Comfort, William P. Clark, Henry W. Drinker, Lewis S. Coryell and Lord Butler, be and they are hereby appointed commissioners for receiving subscriptions to the stock, and the said commissioners or a majority of them shall, after giving three weeks notice thereof, in at least one newspaper published in the counties of Luzerne and Monroe, open books of subscription at Stoddartsville, and shall keep said books open or close them on adjournment, to be re-opened after giving due notice thereof, as aforesaid, until the stock is subscribed for the amount of ten per cent. on each share of stock subscribed, being required to be paid at the time of subscribing, and further instalments to be paid in, on at least three weeks notice being given thereof, in such sums as the directors, whose appointment is hereinafter provided for, shall deem necessary to meet the expenses of the work, the number of shares not to exceed two hundred, and the cost of the share not to exceed thirty dollars. Commission-
ers.

Subscriptions
to stock.

SECTION 4. That the management of the concerns of said company shall be and the same is hereby vested in five directors, to be elected from the stockholders, and the said directors shall choose by plurality of votes a president from among themselves, and as soon as conveniently may be after the stock is taken, or provided, after the books have been kept open for three successive days, one half the number of shares have been subscribed for, then the said commissioners or a majority of them shall convene the said stockholders by public notice, to be given as aforesaid, and at such time and place as they shall designate in such notice, to choose the first board of directors, who shall hold their offices until the second Tuesday in March, eighteen hundred and forty-one, and if for any cause whatsoever an election of directors should not be made on the day, whereon in pursuance of this act, it ought to be made, the president and directors for the time being shall continue in office until others are chosen in their stead; *provided*, the said election be held on or before the second Tuesday in January, eighteen hundred and forty-three, and in case of the death, resignation, incapacity, or removal of the president, or of one or more of the directors, the vacancy thereby created may be supplied by appointments, to be made by the board of directors, and at all elections of directors each stockholder shall be entitled to one vote for every share of stock by him or her held. Directors.

President.

Election di-
rectors.

Vacancies.

SECTION 5. That the president and directors, or a majority

Engineers & of them, shall have power to elect all engineers, agents, officers. workmen and officers whatsoever necessary in their judgment for conducting the affairs of the company, and to dismiss and elect others at their pleasure, and to charge and receive the following tolls, that is to say, for every thousand feet of lumber taken over the falls, twenty-five cents; and one and a quarter cents per mile, for every thousand feet of lumber descending the upper navigation, whenever the same shall be completed to the distance of five miles above the Great Falls; *Tolls.* *Provided, always,* that no tolls shall be charged on any description of grain or seed, either whole or ground, beef or pork, potatoes or turnips.

No tolls.

Damages. SECTION 6. That if any person or persons, freeholders along the line of said navigation, and interested in the same, shall consider themselves as having suffered damage by reason of any thing which has been done by said company, he, she, or they may, if unable to settle the same with the company, apply to one of the justices of the supreme court, whose duty it shall be to appoint one discreet disinterested person to meet one also appointed by said company, and which two when so met shall, if unable to agree themselves, choose a third person, and the award of said three or a majority of them when made, shall be final and conclusive; the expenses of the arbitration to be borne by the party complaining, if the award is less than they had been offered by the party complained of; and if the award is more, then the party complained of shall pay the expenses.

How settled.

Injuring works punished. SECTION 7. That if any person or persons shall in any manner wilfully or maliciously destroy, injure, or obstruct the navigation or any of the works connected therewith, or unnecessarily and maliciously open any gate or lock thereon, or cast adrift loose lumber to the detriment of said navigation, he, she, or they so offending shall forfeit and pay the sum of one hundred dollars, to be recovered by any person who will sue for the same; but such prosecution shall in no wise impair the right of action by a civil suit to be brought by the company; *Provided always,* That nothing in this act contained shall deprive the owners of timber lands adjacent to the river and along the line of the improvement from driving their logs in loose drifts to their respective mills, when the rise of the river is above a rafting height, and at no other time; *Provided,* That no part of this act shall authorize the taking of any property by said company, unless the same is previously paid for, or adequate security given for the payment thereof.

Loose drifts when authorized.

Property taken to be paid for.

Legislature may repeal this act. SECTION 8. That the Legislature reserves the right to alter, amend, or annul the charter at any time hereafter, whenever in their opinion, the same may be injurious to the citi-

zens of this Commonwealth, in such manner, however, that no injustice shall be done to the incorporators.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The fourteenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 54.]

A N A C T

To confirm the sale of certain real estate in York county, and to vest certain authorities in John D. Thomas, trustee of Sophia H. E. Ash.

WHEREAS, it hath been represented that a certain Jacob Wilt, of the borough and county of York, in this commonwealth, lately died seized inter alia of a certain house and half lot of ground in the same borough, situate on George street, and bounded on the south by a lot of John Mosey, on the north by a lot of Henry Ernst, on the east by North George street, and on the west by an alley : having first made his last will and testament, constituting a certain James R. Reily, as the executor thereof : *And whereas*, the said James R. Reily is represented to have sold the said premises for the payment of debts due by the testator, at the time of his decease, to a certain Jacob Pfeiger for a valuable consideration, but without authority under said will, and without any application to the orphans' court : Therefore,

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same :* That the orphan's court of the county of York be, and it is hereby authorized to decree the confirmation of the said sale, and to authorize a conveyance to be made of the premises by the said executor to the said purchaser thereof : *Provided*, Such a case shall be made out to the satisfaction of the said court, as would have authorized a decree therefor un-

Sale by J. R. Reily, of estate of Jacob Wilt confirmed.

der the existing laws, and the said sale shall be adjudged by said court to have been made for a full and adequate consideration: *And provided also*, That the said executor shall first give such security as required by the said existing laws for the proper application of the proceeds of said sale.

John D. Thomas, trustee to perform certain duties.

SECTION 2. That John D. Thomas, trustee of Sophia H. E. Ash, duly appointed by the court of common pleas of Philadelphia county, in the place of Hosea J. Levis dismissed, be and he is hereby vested with the same powers and authorities as were vested in the said Hosea J. Levis, as trustee of the said Sophia H. E. Ash, by the third section of an act entitled, to empower the orphans' court of the city and county of Philadelphia, to make partition of certain real estate among the devisees of Francis Gurney, and for the sale of certain other real estate and for other purposes, passed the fourteenth day March, one thousand eight hundred and thirty-seven, and that he have full power, with the consent of the said Sophia H. E. Ash, and under the direction of the court of common pleas of the county of Philadelphia, to invest the proceeds of any sale or sales in real estate, or upon real security.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventeenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 55.]

A N A C T

To authorize the Governor to incorporate a company, to make a turnpike road from the borough of Honesdale, in Wayne county, to intersect the Milford and Owego turnpike road in said county, at or near the house of William R. M'Laury, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That William R. McLaury, Thomas H. R. Tracy, Lucius Collins, Aaron Writer, and Thomas J. Hub-

bell, of Wayne county, are hereby appointed commissioners ^{Commission-}
 to do and perform the several things hereinafter mentioned, ^{ers,}
 that is to say, they shall on or before the first Monday of
 July next, procure two books or more, and in each of them ^{duties of.}
 enter as follows: "We whose names are hereunto sub-
 scribed, do promise to pay to the president and managers of
 the Honesdale and Cherry Ridge Turnpike Road Company
 the sum of twenty-five dollars, for every share of stock in
 said company set opposite to our respective names, in such
 manner and proportions and at such times as shall be deter-
 mined by the president and managers of said company, in
 pursuance of an act of the General Assembly of this common-
 wealth, entitled "An act to authorize the Governor to incor-
 porate a company to make a turnpike road from the borough
 of Honesdale, in Wayne county, to intersect the Milford and
 Owego turnpike road, in said county, at or near the house of
 William R. McLaure." Witness our hands the day
 of in the year of our Lord, one thousand eight hun-
 dred and And thereupon shall give notice in one
 or more of the public papers, printed nearest the route of the
 said road, for twenty days at least, of the time and places
 when and where the said books shall be opened to receive
 subscriptions for the stock of the said company, at which ^{Subscriptions}
 times and places one of the said commissioners shall attend, ^{to stock.}
 and permit and suffer all persons of lawful age who shall offer
 to subscribe in said books in their own names, or in the name
 or names of any other person who shall duly authorize the
 same, for any number of shares of stock; and the said books
 shall be kept open respectively for the purposes aforesaid, at
 least six hours in every juridical day, for the space of six ^{Of the num-}
 days or until the said books shall have two hundred shares ^{ber of shares.}
 therein subscribed, and if at the expiration of the said six
 days the books aforesaid shall not have the said number of
 two hundred shares therein subscribed, the commissioners
 respectively may adjourn from time to time, and transfer the said ^{Adjourn-}
 books from place to place, until the whole number of shares ^{ments.}
 shall be subscribed, of which adjournment and transfer the com-
 missioners aforesaid shall give such public notice, as the oc-
 casion may require, and when the whole number of shares
 subscribed shall amount to four hundred, the same shall be
 closed: *Provided always,* That every person offering to
 subscribe in said books in his own or any other name shall
 previously pay the attending commissioner or commissioners ^{One dollar to}
 the sum of one dollar for every share to be subscribed; out ^{be paid on}
 of which shall be defrayed such incidental charges and ex- ^{each share.}
 penses as may be necessary for taking subscription, and the
 remainder shall be paid over to the treasurer of the corpora-
 tion, as soon as the same shall be organized, and the officers
 chosen as hereinafter mentioned.

SECTION 2. When ten or more persons shall have subscribed fifty shares of the said stock, the said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify under their hands and seals the names of the subscribers and the number of shares subscribed by each, to the governor of this commonwealth; whereupon it may and shall be lawful for the governor by letters patent, under his hand and the seal of the state, to create and erect the subscribers, (and if the subscription be not full at the time then those who shall afterwards subscribe to the number aforesaid,) into one body politic and corporate, in deed and in law, by the name, style and title of "The President and Managers of the Honesdale and Cherry Ridge Turnpike Road Company," and by the same name the subscribers shall have perpetual succession and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring, and conveying in fee simple or for any less estate, all such lands, tenements, hereditaments, and estates, real and personal, as shall be necessary to them in the prosecution of their works, and suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice, in one of the public papers printed nearest the route of the said road, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy duly authorized, one president, six managers, one treasurer, one secretary, and such other officers as may be necessary to conduct the business of the said company for one year, and until such other officers be chosen, and shall and may make such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of the United States and this commonwealth, as shall be necessary for the well ordering the affairs of said company: *Provided always*, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number.

Governor to
issue letters
patent.

Name of cor-
poration.

Powers of.

Election of
officers.

Votes of
stockholders.

SECTION 4. It shall be lawful to and for the said president and managers, their superintendents, surveyors, artists, and chain bearers, to enter in and upon all and every, the lands, tenements, and enclosures, in, through, and over which the said intended turnpike road may be thought proper to pass, and to examine the ground most proper for the purpose, as well as the materials in the vicinity, that may be necessary in making and constructing the said turnpike road, and to survey, lay down, ascertain, mark, and fix such route or track for the said road, as, in the best of their judgment, will combine shortness of distance with the most practicable ground, and generally they shall have like powers, authorities, and privileges necessary for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures, and be entitled to like tolls and profits, in proportion to the distance, as are given and granted to the president, managers, and company of the Coshecton and Great Bend turnpike road company, in and by an act of assembly of this commonwealth, passed the twenty-ninth day of March, Anno Domini, one thousand eight hundred and four; and the said Honesdale and Cherry Ridge turnpike, shall commence at the borough of Honesdale, in the county of Wayne, and terminate at the Milford and Owego turnpike road, in said county, at or near the house of Wm. R. M'Laury: *Provided*, That whenever the president and managers shall sue for and recover the penalty and penalties, prescribed by law, against any person or persons evading, or attempting to evade, the the payment of tolls on the said road, they shall also recover the cost of suit: *Provided further*, That no part of this act shall authorize the taking of any property, by said company, unless the same be previously paid for, or adequate security given to the payment thereof.

Officers may enter upon lands.
Survey route:
Same powers as Coshecton and Great Bend turnpike
Route designated.
Penalties and costs.
Property taken to be paid for.

SECTION 5. The president and managers of the said road shall make, or cause the same to be made not less than forty or more than fifty feet in width, and at least twenty feet thereof shall be made an artificial road in the following manner, to wit: All the timber shall be taken out by the roots and removed from the road, which shall, where the original location is level or nearly so, be at least two feet higher in the centre than at the sides: It shall be well and sufficiently ditched, so as to carry off the water and keep the road, in its foundation, firm and dry: It shall be constructed of firm and substantial materials, composed of wood, gravel, stone, slate, sand, or other hard substance, such as the nature of the ground, along which the road may pass, will admit of, so as to secure a solid foundation and smooth firm surface, and a well made permanent highway, and so level in progress that it shall, in no place, raise nor fall more than will form an angle of five degrees with a horizontal line; and the said president and managers shall

How turnpike road to be made.

erect permanent bridges, with sufficient abutments and piers, over all the streams of water crossing the said road, and shall keep the said road and bridges in perfect order and repair: *Provided*, That if, in the opinion of the president and managers, any part of the ground on the route of the said road, shall be so hard and compact as to make a good road without any covering of wood, slate, gravel, stone, or other hard substance, the said President and managers are hereby authorized to construct such part of the said road without any such covering, and shall keep the said road in perfect order and repair.

SECTION 6. If the said company shall not proceed to carry on the said work within one year after the passage of this act, or shall, within five years thereafter, complete the same, according to the true intent and meaning of this act, then, or in either of those cases, all and singular the rights, liberties, privileges, and franchises hereby granted shall revert to the commonwealth.

SECTION 7. The election of president, treasurer, secretary, and managers of said company shall be held annually, on the second Monday of January.

SECTION 8. That from and after the passage of this act, any public road or highway in the county of Westmoreland, having been laid out by order of the court, and not opened and used for public travel within seven years after the laying out of the same, then, in that case, the original location, so far as not opened and used as above, shall be null and void, and so much of the act of assembly to which this is a supplement, pertaining to the county of Westmoreland, in relation to the limitation of roads laid out, and not opened and occupied for public travel as above, within the time aforesaid, is hereby repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 56.]

A N A C T

Authorizing the Canal Commissioners to remove a certain building, near the Columbia Rail Road, to prevent its destruction by fire from locomotive engines.

1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Canal Commissioners be and they are hereby authorized and required to cause as soon as practicable, the removal of a certain barn, belonging to the Miss Barbers, of Columbia, the same being close to the Rail Road and contiguous to the bridge, by means of which the cars at present cross the inclined plane or former rail road, in order that the said barn and bridge may be saved from destruction by fire, from the locomotives passing said road; *Provided,* that the assent of the owners of the said barn be first obtained for that purpose; and the expense of such removal shall be paid in the usual manner, out of the fund for the ordinary repairs of the Philadelphia and Columbia Rail Road.

Canal Commissioners to remove a barn near Columbia Rail way at Columbia.
Owners assent.
Expenses how paid.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty.

DAVID R. PORTER.

(No. 57.)

AN ACT

Authorizing Jacob Reinhart to erect a Wing Dam in the Susquehanna river.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Jacob Reinhart, his heirs and assigns, are hereby authorized to construct or erect a wing dam, in the river Susquehanna, township of Susquehanna, and county of Dauphin, extending from the Cumberland county shore, at or near his saw mill, about one hundred yards into the river: *Provided,* That in extending said dam the navigation of said river shall not be impeded or obstructed by the same.

Jacob Rinehart's dam in Susquehanna river.

This act may be repealed.

SECTION 2. The right to repeal and annul, at any time hereafter, all the rights and privileges hereby granted to the said Jacob Rinehart, his heirs and assigns, is expressly reserved to any future legislature.

WM. HOPKINS,

Speaker of the House of Representatives,

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventeenth day of March, eighteen hundred and forty,

DAVID R. PORTER.

[No. 58.]

A N A C T

To extend the boundaries of the borough of Martinsburg, in Bedford county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the boundaries of the borough of Martinsburg, in Bedford county, be extended as follows, viz: beginning at a post near the house of Frederick Nicodemus, now occupied by George Nicodemus, where the present boundary commences; thence south twenty-two degrees, west two hundred perches to a post; thence north sixty-five degrees, west two hundred perches to a post; thence north twenty-two degrees, east two hundred perches to a post, a corner of the present boundary; and thence with the same south sixty-five degrees, east two hundred perches to the place of beginning.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventeenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 59.]

AN ACT

For the better ascertaining and establishing the boundary line between the counties of Jefferson, Warren, M'Kean and Clearfield, and for other purposes.

Commiss'rs
to mark divi-
sion line of
Jefferson,
Warren,
M'Kean and
Clearfield.

Compensat'n
how paid.

Philad'ia and
Trenton R. R.
time of com-
pletion exten-
ded.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same :* That Jonathan Coalgrove of the county of M'Kean, Elijah Heath of the county of Jefferson, and John S. Brockway of the county of Clearfield, be and they are hereby appointed commissioners, for the purpose of running and marking the division line between the counties of Jefferson, Warren, M'Kean and Clearfield, agreeably to the provisions and directions of an act of the general assembly, passed the sixth day of March, one thousand eight hundred and four, entitled "an act to erect parts of Lycoming, Huntingdon and Somerset counties into separate county districts," and the said commissioners shall receive the sum of three dollars per day, for each and every day by them necessarily engaged in running and marking the division line aforesaid, to be paid to to the said commissioners by the treasurer of the respective counties in which they reside, on warrants drawn in their favor by the commissioners of such county.

SECTION 2. That the time allowed to the Philadelphia and Trenton Railroad company, by the second section of an act, entitled a further supplement to an act authorizing the governor to incorporate the Philadelphia and Trenton Railroad company, passed the twenty-third day of March, one thousand eight hundred and thirty-nine, for locating and constructing a railroad from their depot, in the district of Kensington, to their depot at the corner of Third and Willow streets, in the district of the Northern Liberties, be and the same is hereby extended for one year, with the same effect precisely in all respects as if by the said second section, said company had been required to locate and construct said railroad, within two years.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventeenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 60.]

A N A C T

To authorize David Walton and Benjamin Swayne, assignees of Caleb Swayne, to convey certain real estate.

WHEREAS, Caleb Swayne and Philena his wife, by their voluntary deed of assignment, bearing date the sixteenth day of September, in the year of our Lord one thousand eight hundred and thirty-nine, assigned and transferred all their estate, real and personal, to David Walton, Benjamin Swayne, and Reuben Pusey, in trust for the benefit of the creditors of the said Caleb: *And whereas*, the said Reuben Pusey, since the making of the said assignment, has himself made an assignment of all his property for the benefit of his creditors, and removed to Texas or elsewhere, beyond the limits of the United States. Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the said David Walton and Benjamin Swayne, two of the said assignees, be and they are hereby authorized and empowered to make, sign, and deliver a deed of conveyance for all the real estate of the said Caleb and Philena, so assigned and transferred as aforesaid, heretofore contracted to be sold by said trustees, and to do and perform all acts, and every act necessary or proper to be done or performed under and by virtue of the said trust, in as full and ample a manner and with the same effect as if all the assignees named in the said deed of assignment had joined in the said act or acts. Two of the assignees of Caleb Swayne may convey real estate.

WM. HOPKINS,
Speaker of the House of Representatives.

W. T. ROGERS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 61.]

A N A C T

To incorporate the Good Intent Hose company of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That all and every the persons who shall, at the time of passing this act, be members of the association called "The Good Intent Hose company," in Philadelphia, shall be and they are hereby created and declared to be one body politic and corporate, by the name, style and title of "The Good Intent Hose company," and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded in all courts of record or elsewhere; and also the said corporation and their successors, at all times hereafter be able to purchase, receive, have and hold, and enjoy to them and their successors, all and all manner of lands, tenements, rents, annuities, liberties, franchises and other hereditaments, goods and chattels, of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time to sell, grant, demise, alien and dispose of: *Provided*, that the clear yearly value or income of the said corporation shall not exceed fifteen hundred dollars, and also to make and have a common seal, and the same to break and renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering of the affairs thereof.

SECTION 2. Nothing in this act contained shall be deemed to authorize the said company to engage, either directly or indirectly, in any banking, monied, commercial or manufacturing concern, or to act in any other way than as a hose company.

SECTION 3. The legislature reserves the power to alter, revoke or annul the privileges and charter hereby granted, when-

Company
established.Name and
style.Liberties and
franchises.

Proviso.

By-laws.

Banking (pro-
hibited.Repealing
clause.

ever in their opinion the same may be injurious to the citizens of this commonwealth, in such manner however that no injustice shall be done to the corporators.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 62.]

A N A C T

To incorporate the society known by the name of the Baptist Church of Phœnixville, in Chester county, Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the society known by the name of the Baptist Church of Phœnixville, in Chester county, Pennsylvania, is hereby erected into one body politic and corporate, in deed and in law, by the name, style and title of the "Baptist Church of Phœnixville, Chester county, Pennsylvania," and by the same name shall have perpetual succession, and be able to sue and be sued in all courts of law and elsewhere, and shall be able and capable in law and equity to take and hold lands and tenements, goods and chattels, of whatsoever kind, nature and quality, real, personal or mixed, which are now, or hereafter shall become, the property of the said congregation, by gift, grant, bargain, sale, conveyance, assurance, will, devise, bequest or otherwise, by any person or persons capable of making the same, and the same to grant, bargain, sell, mortgage or dispose of, and the yearly value or income of the real and personal estate of said corporation shall not any time exceed two thousand dollars, nor shall more than one hundred and fifty acres of land be at any time held or enjoyed by said association incorporated by this act, nor shall it be lawful for said corporation to appropriate any of its

Church estab-
lished.

Style & title.

Income and
possessions
limited.

surplus funds to any other than a charitable or religious purpose.

SECTION 2. That the affairs of said corporation shall be managed and superintended by five trustees, three of whom shall be a quorum to transact business, to be chosen from the members of said congregation, who shall choose by ballot from among their number a president and secretary, and shall also choose a treasurer from among the members of the congregation, who is not a trustee, and who shall, if required by the trustees of said corporation, give sufficient security for the trust reposed in him and shall account to such trustees for all sums of money received by him or remaining in his hands at any time; and in case of the removal of the president or any of the trustees by death, resignation or otherwise, the vacancy or vacancies shall be supplied by the board of trustees till the next annual election, and the following named persons shall be trustees until others shall be elected in the manner hereafter prescribed.

Number of trustees. viz: Joseph Pennypacker, Isaac M. Davis, Henry Place, Joseph Rapp, and Thomas W. Young, to continue in office until the first Saturday in May, one thousand eight hundred and forty, on which day the members of said congregation shall elect five trustees, to continue in office for one year or until others shall be elected to fill their places, and the annual election of trustees shall be on the first Saturday in May in each year; *Provided, always,* That the same trustees or any of them may be re-elected.

President.

Treasurer to give security.

Vacancies, how filled.

First trustees.

Proviso.

SECTION 3. That all elections to be held in pursuance of this act shall be conducted by three members of the corporation, who shall be appointed inspectors at the same place where the trustees are to be elected, as aforesaid, by the electors then assembled, in such manner as may be agreed on by said electors, and the inspectors so chosen shall appoint one or more persons as their clerk or clerks to perform such duties as the nature of the case may require; and any person, not a member of said corporation, contributing yearly a sum not less than two dollars to the support of the church shall be entitled to vote at the elections of said corporation, and shall be eligible as a trustee, and each election so had, as aforesaid, shall be closed and the number of votes for each person shall be ascertained; the inspectors of said election or a majority of them shall thereupon make out under their respective hands a return thereof, with the names of the trustees elect, and shall deliver the said return to the secretary of the corporation, who shall within three days thereafter give notice in writing to each of the trustees elect, of their respective elections.

Elections how, when and where held.

Who may vote.

SECTION 4. That any person who shall hereafter be a member of said congregation shall be entitled to all the privi-

leges and subject to the same regulations as other members, and every member shall be at liberty at any time to withdraw from said corporation.

SECTION 5. That the said corporation shall have a right to ^{Seal.} make and use a common seal, with device and inscription as to them shall seem meet, and to alter and revise the same at pleasure.

SECTION 6. That the said trustees and their successors ^{By-laws.} shall have power to enact and enforce such by-laws and ordinances as may be proper and necessary for the regulation and transaction of the business of the said corporation, to establish and change the time and place of the annual election of trustees from time to time, as the same may be found convenient, or, if said congregation neglect to elect on the day of the annual meeting, appoint any subsequent time on which said ^{Proviso.} election may be held; *Provided*, That public notice shall be ^{Notice of elec-} given on Lord's day, immediately before or after divine service, and in such other manner as a majority of the trustees may direct, at least one week previous to the time and place of holding such elections; *And provided, also*, That said by-laws and ordinances shall not be inconsistent with the consti- ^{Books, &c.} tution and laws of this State or of the United States, and that ^{subject to in-} the same be approved of by a majority of the members of the ^{spection.} congregation, qualified as aforesaid, to vote at any special meeting called by the trustees for that purpose, on notice given, as aforesaid, and the by-laws and ordinances of the said corporation shall be fairly entered and registered by the secretary, which book and other records of the corporation shall be open to the inspection of any member of the corporation at all reasonable hours, on application to the secretary, and in case an election of trustees shall not be held at the time or times appointed, the corporation shall not thereby be dissolved; *And, more-* ^{Repealing} *over*, The Legislature reserve the right to repeal, alter or ^{clause.} amend this act or any part thereof at any time hereafter.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 63.]

A N A C T

To incorporate the Lafayette Hose Company of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That all and every, the persons who shall, at the time of the passing of this act, be members of the association called the Lafayette Hose company, in the district of the Northern Liberties, Philadelphia county, shall be, and they are hereby created and declared to be one body politic and corporate, by the name, style, and title of the Lafayette Hose company, and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded in all courts of record or elsewhere; and, also, the said corporation and their successors, at all times hereafter, be able to purchase, receive, have, and hold, and enjoy to them and their successors, all and all manner of lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, goods, and chattles of what nature, kind, or quality soever, real, personal, or mixed, or choses in action, and the same, from time to time, to sell, grant, demise, alien, and dispose of: *Provided,* That the clear yearly value or income of the said corporation, shall not exceed fifteen hundred dollars, and also to make and have a common seal, and the same to break and renew at pleasure, and also to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering of the affairs thereof.

SECTION 2. Nothing in this act contained, shall be deemed to authorize the said company to engage, directly or indirectly, in any banking, monied, commercial, or manufacturing concern, or to act in any other way than as a hose company.

SECTION 3. The legislature reserves the power to alter, revoke, or annul the privileges and charter hereby granted, whenever, in their opinion, the same may be injurious to the citi-

Corporation
created.

Name & style

Liberties and
franchises.

Proviso.

Income limi-
ted.

Seal.

Banking, &c.
prohibited.Repealing
clause.

zens of this commonwealth, in such manner, however, that no injustice shall be done to the corporators.

WM. HOPKINS,
Speaker of the House of Representatives.

W. T. ROGERS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 64.]

A SUPPLEMENT

To an act entitled an act relative to the organization of the Courts of Justice, passed the fourteenth day of April, one thousand eight hundred and thirty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That whenever a special court of common pleas shall be necessary, under the provisions of the thirty-seventh section of the act to which this is a supplement, the list of causes for trial in said special court required by the thirty-ninth section of said act, to be transmitted by the prothonotary to the president judge, who may reside nearest to the place where any such cause is to be tried, shall be transmitted to the president judge, who shall reside nearest to the place where the said cause or causes is or are to be tried, who would not be incompetent by the provisions of the thirty-seventh section of the act aforesaid to try the said cause, if the same were pending in any court in his district on the receipt of such list, it shall be the duty of such president to proceed agreeably to the directions of the act aforesaid.

SECTION 2. So much of the acts to which this is a supplement as is hereby altered or supplied, is hereby repealed.

WM. HOPKINS,
Speaker of the House of Representatives.

W. T. ROGERS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 65.]

A N A C T

To incorporate the Edgeworth Ladies Seminary, in the township of Ohio in the county of Allegheny.

Seminary created.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:</i> That the Female School, in the township of Ohio, in the county of Allegheny, be and hereby is erected into a seminary, for the education of female youth in the arts, sciences, and useful literature.
Number of trustees.	SECTION The said seminary shall be under the management, direction and government of a number of trustees, not exceeding twelve, five of whom shall be a quorum or a board for the transaction of business.
First trustees.	SECTION 3. The trustees of the said seminary shall consist of the following named persons, to wit: H. Denny, J. Kerr, Herron, the reverend Doctor Bruce, Thomas Henry, David Shields, R. Christy, S. F. Snowden, R. Peebles, William Nevin, Doctor Dixon, James Oliver, which said trustees and successors to be elected as hereinafter mentioned, (from among the holders of stock in said seminary) shall be, and they are hereby erected, established, and declared to be a body politic and corporate, with perpetual succession, and with all the incidents of a corporation, in deed and in law to all intents and purposes whatsoever, by the name, style, and title of "The Trustees of the Edgeworth Ladies Seminary," by which name and title, the said trustees and their successors shall be
Name and style.	
Powers and franchises.	able and capable at law and in equity, to take to themselves and their successors, for the use of said seminary, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, monies or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, of any person or persons whatsoever: <i>Provided</i> , The same does not exceed in the whole the yearly value of three thousand dollars, and the same messuages, lands, tenements, hereditaments and estates, real and personal, to grant, bargain, sell, convey, assure, demise, and to farm, let and place out on interest or otherwise dispose of, or invest for the use of the stockholders in said seminary, in such manner as to them or at least a quorum of them shall seem most beneficial to the institution, and to receive the rents, issues, profits, income and interest of the
Proviso.	
Income limited.	
How invested	

same, and to apply the same to the proper use of said seminary, and by the same name to sue, prosecute and defend, implead and be impleaded in any courts of law or equity, and in all manner of suits and actions whatsoever, and generally by and in the same name, to do and transact all and every the business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person, or body politic or corporate have power to manage their own concerns.

SECTION 4. The said trustees shall cause to be made for their use one common seal, with such devices and inscriptions thereon as they shall think proper, and by and with which all deeds, certificates and acts of the said corporation shall pass, and be authenticated, and the same seal at their pleasure may break and alter, and devise a new one. Seal.

SECTION 5. There shall be a meeting of said trustees held once in every year at least, at Sewickly, at such time as the said trustees or a quorum of them shall appoint, of which meeting due and timely notice shall be given, and if less than a quorum attend at such meeting, those present shall have the power to adjourn to another day; said trustees shall have the power of making and enacting ordinances for the government of the said seminary, of electing trustees from among the holders of stock in the seminary as aforesaid, in the place and stead of those who shall resign or die; of electing and appointing the teachers of the said seminary, of agreeing with them for their salaries and stipends, and of removing them for misconduct, breaches of the ordinances of the institution or other causes, which shall be deemed sufficient; of appointing committees of their own body, to carry into execution all and every the resolutions of the board; of appointing a president, secretary and treasurer, and other officers, whom they may find necessary for managing the corporation, or providing for the punishment of all violations of the rules, regulations or ordinances of the seminary, or other misconduct committed by the pupils, or other persons thereat, and generally at any annual adjourned or extra meetings shall determine all matters and things, although the same are not herein particularly mentioned, which shall occasionally arise and be incidentally necessary to be determined by said trustees: *Provided*, That no ordinances or regulations shall be of any force, which are repugnant to the constitution and laws of the United States, or of this commonwealth. Annual meeting.
Notice of,
Ordinances.
Trustees, &c.
Teachers.
Salaries.
Committees.
President,
secretary and treasurer.
General powers.
Proviso.

SECTION 6. That the teachers of said seminary, or a majority of them, shall have the power of enforcing the rules and regulations adopted by the trustees for the government of the pupils, and to grant and confirm, by the order and direction of a quorum of the board of trustees, such degrees in the arts, sciences or other branches thereof, to such pupils of the semi- Power of teachers.

Degrees : how
may be con-
ferred. . nary, and others who by their proficiency in learning or other distinction they think shall be entitled to them, as have been usually granted in other similar seminaries, or which the said trustees or a quorum thereof shall think right and proper, and to grant to such graduates certificates under their common seal.

Who may be
a trustee, tea-
cher or pupil. SECTION 7. Persons of every religious denomination shall be capable of being elected trustees, nor shall any person, either as principal, teacher or pupil be refused admittance into said seminary, or denied any of the privileges, immunities or advantages thereof, for or on account of his sentiments in matters of religion.

Misnomer.
Proviso. SECTION 8. No misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest, to or from said corporation: *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to or from said corporation.

Repealing
clause. SECTION 9. The legislature reserves the right to revoke, alter or annul the charter hereby granted, at any time they may think proper.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 66.]

A N A C T

To incorporate an academy in West Alexander, in the county of Washington.

Academy es-
tablished. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That there shall be and hereby is established at West Alexander, in the county of Washington, an academy or public school for the education of youth in the

English and other languages, and in the useful arts, sciences, and literature, by the name, style, and title of the West Alexander Academy, under the care and direction of seven trustees who, and their successors in office, shall be and are hereby declared to be one body politic and corporate, in deed and in law, by the name and style of the trustees of West Alexander Academy, and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere, and shall be capable, in law and equity, to take and hold to them and their successors, for the use of said academy, lands, goods, chattles, and moneys of every kind whatsoever, by gift, grant, conveyance, devise, or bequest from any person or persons whomsoever, capable of making the same, and the same, from time to time, to sell, convey, or dispose of for the use of said academy, and to erect such buildings as may be necessary, and generally to do all and singular the matter and things which shall be lawful for them to do, for the well-being of said academy, and the due management and ordering of the affairs thereof.

Power and franchises.

SECTION 2. Alexander Frazier, George McDonald, John Pollock, Isaac Sutherland, Keneth McCoy, John McDonald, and John McCoy are hereby appointed a board of trustees of

Trustees.

said corporation, until the first Saturday in October, eighteen hundred and forty-one, on which day an election for seven trustees shall take place, who shall serve for three years, and on the same Saturday, every third year thereafter, an election shall be held for seven trustees, at the school house, in the said town of West Alexander, and said election shall be open-

Tri-annual election, how, when, where, and by whom held.

held at one o'clock in the afternoon and continue until five o'clock in the evening, and shall be conducted by two citizens, who shall be appointed by a majority of the citizens present, who are qualified to vote at said election. No person shall be allowed to be a trustee or to vote, unless he be a citizen of said county, and shall have subscribed and paid to the funds of

Who may vote.

said academy, the sum of twenty dollars. The votes shall be given by ballot, and each ticket shall be labelled on the out-

Votes, how given.

side, "Trustees of West Alexander Academy," and shall contain the names of seven persons, and the seven having the greatest number of votes, and being qualified according to the provisions of this act, shall be the trustees for the ensuing three years, and the said trustees shall appoint their president, who shall be one of their own number, and they shall have power to enact such by-laws as may be necessary, not being inconsistent with the constitution and laws of the

President. By-laws.

United States or the constitution and laws of this commonwealth, and four of the said trustees shall constitute a quorum, and a quorum may, in the absence of the president, appoint a president pro tempore. The president shall be appointed yearly. The said board of trustees shall appoint a

Quorum. Power to appoint and remove treasurer and secretary.

secretary and treasurer yearly, but they shall have power to remove either, whenever a majority of the board shall think it proper. The treasurer shall, before he commences the duties of his office, give a bond to said corporation, with one or more good sureties, to be approved of by a majority of the managers, for a penal sum double the estimated amount, for the time being, of the funds of the corporation, conditioned for the performance of the duties enjoined and the repayment of moneys received by him.

Treasurer to give bond.
Duties of treasurer.

SECTION 3. The treasurer shall receive and hold all moneys belonging to the institution, and pay the same only to the order of the board, signed by the president and secretary, or by a majority of trustees, and he shall keep fair accounts thereof, to be open at all seasonable hours, for the inspection of all persons who may have contributed to the funds of said institution.

Former grants vested.

SECTION 4. Any and all property or money which may have heretofore been granted, or in any wise directed by the owner thereof to be appropriated to the use of the institution hereby established, is hereby vested in said corporation.

Repealing clause.

SECTION 5. The Legislature reserves the right to alter, revoke, or annul the charter hereby granted, at any time they may think proper.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 67.]

A SUPPLEMENT

To the act to authorize the Governor to incorporate the Franklin and Em-lenton Turnpike road company, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:* That letters patent shall be issued by

the governor to the stockholders of the Titusville and Niells-Duties of Go-
 borough turnpike road company, when fifty or more shares vernal when
 shall have been subscribed, and certified to the governor, in 50 shares
 accordance with the provisions of the thirty-eighth section of shall be sub-
 the act to which this is a supplement, and that so much of scribed.
 said section as is altered by this act is hereby repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, eighteen hundred
 and forty.

DAVID R. PORTER.

[No. 68.]

A N A C T

To incorporate the Presbyterian Church of Bedford.

SECTION 1. *Be it enacted by the Senate and House of Re-*
presentatives of the Commonwealth of Pennsylvania in Ge-
neral Assembly met, and it is hereby enacted by the authority
of the same: That the members of the Presbyterian church
 and congregation of the borough of Bedford, in the county of Bedford, be and they are hereby created into one body politic Church incor-
 and corporate, in deed and in law, by the name, style and title porated.
 of the members of the Presbyterian church and congregation
 of the borough of Bedford, in the county of Bedford.

SECTION 2. By the same name said corporation shall have
 perpetual succession, and be able to sue and be sued, plead
 and be impleaded in all courts of law and elsewhere; to take
 and to hold to them and their successors, for the use of said
 church and congregation, lands and tenements, goods and Powers and
 chattels, of whatsoever kind, nature or quality, real, personal franchises.
 or mixed, which is now or hereafter shall become the property
 of said church and congregation, by gift, grant, bargain, sale,
 conveyance, assurance, will, devise or bequest, from any per-
 son or persons whomsoever capable of making the same, and
 he same to grant, bargain, sell, mortgage, or dispose of for
 the use of said church and congregation; and to erect, if ne-

cessary, or enlarge any building for the purpose of worship as may be directed by a majority of the congregation that may be present, at a meeting to be held for that purpose, of which said meeting at least two weeks notice shall be given from the pulpit, or in any other way a majority of the trustees shall direct, and generally to adopt all such measures, and do all and singular such matters and things as may be lawfully to be done for the well being and due management of the affairs of said church and congregation : *Provided*, The clear yearly value or income of said estates shall not for any time exceed three thousand dollars.

Proviso.

SECTION 3. The trustees of said church and congregation shall be three in number, and until others shall be appointed, shall consist of the following named persons, viz: Henry Leader, John G. Martin, and Daniel Washabaugh, who shall continue in office until the twenty-fifth day of July next, and on the same day annually thereafter, the members of the said church and congregation may, at any general meeting thereof, by a majority of the persons present at said meeting, elect by ballot three persons to serve as trustees for the ensuing year; and if vacancies by death or otherwise shall happen in the office of trustee, the remaining trustee or trustees may appoint others to supply such vacancy or vacancies until the next general meeting of the said congregation, when another trustee or trustees shall be elected to serve until the next annual election, and if the congregation neglect on the day of the annual meeting to hold their election as is herein directed, the said corporation shall not be dissolved, but a majority of the trustees may appoint any subsequent time on which the election may be held : *Provided*, That notice thereof be given from the pulpit, or in such other manner as a majority of the trustees may think proper to direct at least two weeks before said election.

Trustees.

Election of.

Vacancies.

Proviso.

By-laws.

Proviso.

SECTION 4. The said trustees, and their successors, shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for the regulation and transaction of the business of the said church and congregation, and to make, have and use a common seal, and the same to break, alter and renew at their pleasure, and shall have power also to change the time of holding the general election, if the same should be deemed advisable : *Provided*, That the said by-laws and ordinances shall not be inconsistent with the constitution and laws of this state, or of the United States.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 69.]

A N A C T

Incorporating the First Methodist Episcopal Church, in the city of Lancaster.

WHEREAS the members of the First Methodist Episcopal congregation, in the city of Lancaster, have prayed for an act of incorporation for the better management of their affairs. Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the said corporation shall be called and known by the name, style and title, of "The First Methodist Episcopal church of the city of Lancaster," and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, and shall be able and capable in law and equity, to take, hold, and receive to them and their successors, for the use of the said congregation, lands, tenements, goods and chattels, of whatsoever kind, nature or quality, real, personal or mixed, which is now, or shall or may be at any time hereafter become the property of the said congregation, or be held for their use by gifts, grants, bargain, sale, conveyance, devise, bequest or otherwise, from any person or persons whomsoever capable of making the same, and the same to grant, bargain, sell, mortgage, improve or dispose of, for the use of the said congregation: *Provided,* That the yearly value or income of the said estates shall not exceed the sum of three thousand dollars, and shall not be appropriated to any other than benevolent or religious uses. Name and style.
Powers and franchises.
Proviso.

SECTION 2. The business of the said congregation shall be conducted by nine trustees, who shall choose from their number a president and secretary, and may appoint a treasurer, and such other officers as the said trustees may from time to time deem necessary for the better government of the said congregation, and until others are or shall be elected as is hereafter provided, the following named persons shall be trustees, viz: Philip Benedict, Bonom Samson, George B. Kerfoot, Robert W. Burrowes, David Paul Brown, Nathaniel S. Pinkerton, Levi J. Rhoads, James B. Moore, and Charles Hartley, to continue in office until the first Monday in March,

- one thousand eight hundred and forty-one, on which day the male members of the said congregation shall elect nine persons to serve as trustees; three of whom shall serve three years, three two years, and three one year, the term of service to be designated by the electors on their ballots, and their places respectively shall be supplied at the annual election, to be held for that purpose on the first Monday of March, by the
- Election of.** election of three persons to serve for three years: *Provided*, That in case of vacancy by death or otherwise, the remaining trustees shall appoint a person to supply the same until the next election, and any male member of the said congregation of one years full standing, and at least twenty-one years of age, shall be entitled to vote at the elections of said congregation:
- Proviso.** *And provided further*, That no person shall be eligible as a trustee unless he is a citizen of this commonwealth, a communicant member of the church of at least two years full standing, and at least twenty-three years of age.
- 2d Proviso.** SECTION 3. The said trustees, and their successors, shall have full power to enact and enforce all such by-laws and ordinances as they shall think proper for the regulation and transaction of the business of the said congregation, and to make, have and use a common seal, and the same to break, alter and renew at pleasure; to change the time and place of holding their annual elections as the same may be found convenient, and if the congregation neglect on the day of annual meeting to hold their election, the trustees may appoint any subsequent time at which such election shall be held: *Provided*, That in all cases notice of such elections, and the time and place where they will be held, shall be publicly given on the Sabbath day immediately after divine service, at least one week before the time of holding the same: *And provided further*, That the said by-laws and ordinances, and all the acts of said corporation framed, enacted and promulgated by the same, shall be in conformity to the rules and principles of the general Methodist Episcopal church of the United States, as the same is now established and existing, and not inconsistent with the constitution and laws of the United States, or of this state.
- By-laws.**
- Seal.**
- Notice of election.**
- 2d Proviso.**

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 70.]

A N A C T

Re-vesting certain ground heretofore granted for the use of the Western Penitentiary, in its original contributors, and for other purposes.

WHEREAS by the liberality of the commoners of the town of Allegheny, a lot of ground was granted to the state for the erection thereon of the Western penitentiary : and whereas, the said grant embraced a larger area than now appears to have been necessary for that purpose, and part thereof never having been used for the object of the grant : Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same :* That so much of the common ground, situated on the west side of the walls of the Western Penitentiary, as is not now, or may not hereafter become necessary for the use of the said penitentiary, be re-vested and restored to its original use, as part and parcel of the common ground belonging to the borough of Allegheny, and that the ground hereby granted be laid off, under the direction and superintendence of the board of inspectors of the Western Penitentiary.

SECTION 2. That the release authorized to be taken by the second section of the act of assembly, approved the twentieth day of June last, entitled "an act relative to the estate of George Frey, deceased," may be limited, if the principal and trustees under the will of George Frey, and the above act think proper so to accept it to the estate, which is devised by the will of said George Frey, deceased : *Provided,* That nothing in this act be construed to affect in any way the title to the estate mentioned in the codicil to the said will, and not devised in the will.

WM. HOPKINS,
Speaker of the House of Representatives.

W. T. ROGERS,
Speaker of the Senate.

APPROVED—The eighteenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 71.]

A N A C T

To confer on Samuel Keiper, the rights and benefits of a child born in lawful wedlock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Samuel Keiper of Hanover township, son of Abraham and Catharine Keiper, in the county of Lehigh, shall have and enjoy all the rights, benefits and advantages of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely to all intents and purposes as if he had been born in lawful wedlock.

Saml. Keiper
legitimated.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 72.]

A N A C T

To incorporate the Presbyterian Congregation of Cross Roads, in the township of Pine, in the county of Allegheny.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the members of the Presbyterian church and congregation of Cross Roads, in the township of Pine, in the county of Allegheny, shall be, and they are hereby erected

Church incor-
porated.

Name and
style.

into a body politic and corporate, in deed and in law, by the name, style, and title of the Presbyterian church of Cross Roads, in the township of Pine, and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere; and the trustees of the said corporation shall be able and capable in law and equity, to take and hold to them and their successors, for the use of said church and congregation, lands, tenements, goods and chattels, of whatever kind, nature or quality, real, personal or mixed, which are now or shall hereafter become the property of said church and congregation, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, from any person or persons whomsoever capable of making the same, and the same to grant, bargain, sell, mortgage or dispose of, for the use of the said church and congregation; and to erect any building for the purpose of worship, in such manner as may be directed by a majority of the congregation that may be present, at a meeting to be held for that purpose, of which said meeting at least two weeks notice shall be given from the pulpit or clerk's desk, or in any other way a majority of the trustees may direct, and shall indemnify and save harmless all persons who have become responsible for debts incurred on account of the erection or incidental expenses of maintaining said church, and be liable to make good to such persons all moneys actually expended by them on account of said church as aforesaid, and generally to do all and singular the matters and things which shall be lawful for them to do for the well being and due management of the affairs thereof: *Provided*, That the clear yearly value or income of said estates shall not for any time exceed two thousand dollars: *And* *Yearly income provided also*, That the seal of the corporation shall not be come limited. affixed to any conveyance of its real estate, unless such sale or transfer be approved of at a meeting of the congregation, held after two weeks notice of the same shall have been given as aforesaid, and upon two-thirds of the members present at such meeting approving of the sale and conveyance as aforesaid, the said trustees shall affix the corporate seal of said church to a conveyance of the said real estate, and the same shall be valid in law.

SECTION 2. The trustees of said church and congregation shall be five in number, and until others shall be elected, shall consist of the following named persons, viz: William Cochran, John Graham, George Whitsell, James A. Gibson, and Thomas Gibson, Esquire, to continue in office until the first Monday in January, eighteen hundred and forty-one, when, and on the same day annually thereafter, the members of said congregation may at any general meeting thereof elect by ballot, five persons to serve as trustees for the ensuing year; if vacancies by death or otherwise shall happen in the office of

Powers and franchises.

Trustees.

Vacancies.

trustee, the remaining trustee or trustees may appoint others to supply such vacancy or vacancies, until the next general meeting of the congregation, at which meeting the congregation may elect another trustee or trustees to fill the said vacancies, who shall serve until the next annual election : *Provided*, That any three of the trustees aforesaid shall be a quorum to transact business.

Proviso.

SECTION 3. The said trustees, and their successors, shall have full power to enact and enforce such by-laws and ordinances as they shall think proper, for the regulation and transaction of the business of the congregation, and to make, have and use a common seal, and the same to break, alter and renew at their pleasure ; and if said corporation should neglect on the day of the annual meeting to hold their election, the corporation shall not be dissolved, but a majority of the trustees shall appoint any subsequent time on which the election may be held : *Provided*, That notice thereof be given from the pulpit or clerk's desk, or in such other manner as a majority of the trustees may think proper to direct, at least two weeks before said election : *Provided also*, That the said by-laws and ordinances be framed, enacted and promulgated, and all the acts of the said incorporation be in conformity with the rules and principles of the orthodox general assembly of the Presbyterian church in the United States of North America, existing and established at the time of the enactment thereof, and not inconsistent with the constitution or laws of this state, or of the United States.

By-laws.

Seal.

Notice.

2d Proviso.

WM. HOPKINS,

Speaker of the House of Representatives,

W. T. ROGERS,

Speaker of the Senate.

APPROVED—Nineteenth day of March, one thousand eight hundred and forty,

DAVID R. PORTER.

[No. 73.]

A N A C T

To attach an island called "Todd's Island," to the county of Armstrong,
to be included in the borough of Freeport.

WHEREAS doubts have recently arisen whether a certain island lying in the Allegheny river, opposite to the borough of Freeport, and generally called and known by the name of "Todd's Island," be within the county of Armstrong, and from the immediate proximity of the same to the western bank of the said river, it is considered fit and proper that the same should be included within the boundaries of the said county, therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That from and after the passage of this act, the said island shall be taken and held to belong to the county of Armstrong, and the same is hereby annexed to the borough of Freeport, in the said county.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The nineteenth day of March, Anno Domini, eighteen hundred and forty.

DAVID R. PORTER.

[No. 74.]

A N A C T

To incorporate the Dimocksville Library Company, of Susquehanna county.

- SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Dimocksville Library Company, in the county of Susquehanna, is hereby erected into a body politic and corporate, in deed and in law, by the name, style and title of the "Dimocksville Library Company," and by the same name shall have perpetual succession and be able to sue and be sued in all courts of law and elsewhere, and shall be capable in law and equity to take and hold for the use of said library any goods and chattels, or any sum or sums of money, by gift, grant, bargain, sale, will, devise or bequest from any person or persons whomsoever, capable of making the same, and the same to grant, bargain and sell for the use of the said library, and generally to do all and singular the matters and things which shall be lawful for them to do, for the well-being and due management of the affairs thereof.
- SECTION 2.** That this library company shall consist of all such persons as are now members or shall hereafter be admitted as such, agreeably to the by-laws of said company,
- SECTION 3.** That the officers of said library company shall consist of one president, one vice president, five trustees, three auditors, one librarian, one treasurer, and one secretary. The duties of said officers shall be particularly enumerated in the by-laws of said company.
- SECTION 4.** That the officers enumerated by this act, with the exception of secretary, shall be chosen by ballot at a general meeting of said library company on the first Saturday of January, annually, to continue in office for one year, or until their successors be elected, and the secretary shall be appointed by the president.
- SECTION 5.** That the funds of this company shall be raised by stock and instalments, and shall be exclusively appropriated to the purchase of books and the necessary apparatus for the library, and for a building to accommodate the same.
- SECTION 6.** That the company shall have power at any general meeting to make such by-laws as may be deemed ne-

Library estab-
lished.
Style.

Powers.

Members.

Officers.

How chosen.

Funds.

By-laws.

ecessary for its better regulation; *Provided*, That such by-^{Proviso.} laws are not repugnant to or inconsistent with the constitution and laws of this state, or of the United States.

SECTION 7 That the Legislature reserves the right to alter, ^{Right to annul.} amend or annul the charter at any time hereafter.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The nineteenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 75.]

A S U P P L E M E N T

To an act entitled an act to incorporate the town of Brownsville, in the county of Fayette; to increase the powers of the chief burgess, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the chief burgess of the borough of Brownsville, in the county of Fayette, aforesaid, from and after the first day of February, Anno Domini, one thousand eight hundred and forty, is hereby authorized to carry into effect all by-laws and ordinances enacted by the town council of the borough, aforesaid, and whatsoever shall be enjoined by the same for the well ordering and governing said borough, and shall have jurisdiction in all cases of dispute that may arise between the corporation and individuals under the charter of said borough, or any by-laws or ordinances enacted by the town council, aforesaid, and shall have power to issue a warrant to be directed to the high constable of said borough, or in his absence or inability to act, to the constable of Brownsville, or any of the adjoining townships, for the arrest of any person who shall act in violation or shall offend against the peace and good order of this commonwealth, and on failure of the person so arrested to enter into recognizance with

^{Duties of chief burgess.}

^{Jurisdiction.}

one or more sufficient sureties for his appearance at the next term of the court of quarter sessions to answer to the charge, to commit said offender to the jail of said county.

SECTION 2. That when one-half of the lots in any square in said borough shall have the side walks in front of said lots improved, by the same being paved, it shall be the duty of the town council for the borough, aforesaid, to compel the remaining property holders to pave in front of their property, and on failure to make said pavements, after sixty days notice, the said town council is hereby authorized to procure and make the same and charge the cost thereof to said property holders, which shall be recoverable as other debts are by law recoverable before justices of the peace.

Pavements.
How made.
After notice.
How made
and paid for.

SECTION 3. That the said town council shall, after the next election for borough officers, be limited to five in number, any three of whom shall constitute a quorum.

SECTION 4. No person who is an inhabitant or freeholder of the said borough shall, for that reason, be considered an incompetent witness in any court of justice in this commonwealth, in any suit or action in which the said corporation shall be a party.

Inhabitant or
freeholder de-
clared a com-
petent wit-
ness.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The nineteenth day of March, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 76.]

A N A C T

To extend the time for completing the Philadelphia and Reading rail road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same; That the Philadelphia and Reading rail road company be, and they are hereby allowed until the twentieth*

day of March, Anno Domini, one thousand eight hundred and forty-two, for the completion of their railroad, with one line of rails between the Delaware river and Pottsville. Time for completion extended.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twentieth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 77.]

A N A C T

To incorporate the Frankfort Academy, in the county of Beaver.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That there shall be, and hereby is established in the town of Frankfort, in the county of Beaver, an academy Academy established. for the education of youth, in the English and other languages, and in the useful arts, sciences and literature, by the name, style and title of the Frankfort academy, under the care and direction of three trustees, who, and their successors in office, shall be and hereby are declared to be one body politic and corporate, in deed and in law, by the name and style of the trustees of Frankfort academy, and by the same shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, and shall be capable in law and equity, to take and hold to them and their successors, for the use of said academy, lands, goods, chattels and moneys, of every kind whatsoever, by gift, grant, conveyance, devise or bequest, from any person or persons whomsoever capable of making the same, and the same from time to time to sell, convey or dis- Trustees. Name and style. Liberties and franchises.

pose of, for the use of said academy, and to erect such buildings as may be necessary, and do every thing lawful for them to do for the well being of the said academy, and the due management and ordering of the affairs thereof.

Trustees annual election.
How, when,
and by whom
held.

SECTION 2. And the first election of trustees shall take place on the first Monday in January, one thousand eight hundred and forty-one, and on the same day thereafter annually, in the academy in said town of Frankfort, and the said election shall commence at the hour of one o'clock, post meridian, and continue until four o'clock, post meridian, and shall be conducted by the president and secretary of the board of trustees; no person shall be allowed to vote, or to be a trustee, unless he be a citizen of said county, and shall have subscribed and paid to the funds of said academy the sum of five dollars; the votes shall be given by ballot, each ticket shall contain the names of three persons, and the three persons having the greatest number of votes, and being qualified according to the provisions of this act, shall be trustees for the ensuing year, and until their successors are elected. The managers of said election shall certify the result of the election to each person elected, as soon as convenient after the election. The trustees shall divide themselves into three classes of one each: the term of office of the first class shall expire in one year after their election, that of the second in two years, and that of the third in three years, and after the first election but one trustee shall be elected annually. The board of trustees shall have power to fill all vacancies, to appoint their president who shall be one of the elected trustees, and they shall have power to enact such by-laws as are necessary, not being inconsistent with either the laws of the United States or of this commonwealth, and two of the said trustees shall constitute a quorum. The president shall be appointed yearly: the said board of trustees shall appoint a secretary and treasurer yearly. The treasurer shall, before he commences the duties of his office, give a bond to said corporation with one or more good sureties, to be approved by a majority of the board, for a penal sum double the estimated amount for the time being of the funds of the corporation, conditioned for the performance of the duties enjoined, and the re-payment of moneys received by him.

Classified.

Vacancies.

President, secretary and treasurer.

Bond.

Duties of treasurer.

SECTION 3. The treasurer shall receive and hold all moneys belonging to the institution, and pay the same only to the order of the board, signed by the president and secretary, and he shall keep fair accounts thereof, to be open at all seasonable hours, for the inspection of all persons who may have contributed to the funds of said institution; every trustee or treasurer who shall neglect or refuse to exhibit his books, accounts and vouchers as aforesaid, shall forfeit the sum of forty dollars, to be recovered as debts of a similar amount are

now recoverable by law, in any action brought by a person qualified to vote for trustees in the name of said corporation, one half to be recovered for the use of the academy, and the other half for the use of the prosecutor.

SECTION 4. Any and all property or money which may have been heretofore granted, or in any wise directed by the owner thereof to be appropriated to the use of the institution hereby established, is hereby vested in said corporation. Previous grants vested in corporation

SECTION 5. John Ewing, Thomas Nicholson, James Sloan, James Morrison, are hereby appointed trustees of said corporation until their successors be elected, with the same powers as are herein before vested in the board of trustees hereafter to be elected. Trustees appointed.

SECTION 6. No misnomer of said corporation shall defeat or annul any gift, grant, devise or bequest, to or from the said corporation: *Provided*, The intent of the parties sufficiently appear from the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to or from the said corporation. Misnomer. Proviso.

SECTION 7. Nothing in this act, or any other law of this commonwealth, shall entitle the said academy to receive the appropriation granted to female seminaries and academies, by the fourth section of the act of the twelfth day of April, eighteen hundred and thirty-eight, entitled a supplement to an act to consolidate and amend the several acts relative to a general system of education by common schools, passed the thirteenth of June, eighteen hundred and thirty-six. Not to receive appropriation.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twentieth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 78.]

AN ACT

To incorporate the Kensington Institute for Literary and Scientific purposes, of Philadelphia county.

- SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the persons who constitute the Kensington Institute, or who shall hereafter be admitted as members of the same, shall be and are hereby declared to be a body politic and corporate, by the name, style and title of the Kensington Institute for Literary and Scientific purposes, to have perpetual succession, to have power to take, hold, and dispose of all manner of property, real and personal, the clear yearly income of which shall not exceed two thousand dollars, to plead and to be impleaded, to sue and be sued, in all courts of record in this commonwealth or elsewhere, to contract and be contracted with, to have and use a common seal, and to alter, destroy and renew the same at pleasure, and to do all other acts and enjoy all other powers incident to similar corporations in general, under the laws of this commonwealth.
- SECTION 2.** The officers of the said corporation shall be such as the corporation may deem necessary, who shall be elected at such times and places and in such way and manner as the rules and by-laws of the said corporation may direct.
- SECTION 3.** The said corporation shall have power and authority to make such by-laws, rules and regulations as shall be necessary for the government and the promotion of the interests of the said corporation; *Provided*, That no by-law, rule or regulation, as aforesaid, shall be valid if inconsistent with the constitution or laws of this state or of the United States.
- SECTION 4.** The present officers of the said corporation shall continue in their respective stations until an election shall be had under this act, and the by-laws, rules and regulations now in force shall be good and valid until altered, amended or abrogated by the said corporation; *Provided*, that nothing contained in this act shall authorize said corporation to transact any banking or manufacturing business whatsoever; *Provided also*, That nothing herein contained shall entitle said corporation to receive the annual appropriation.

Institute established.

Name & style

Income limited.

Powers and privileges.
Seal.

Officers.

By-laws.

Present officers continued.

Banking prohibited.
Not to receive annual appropriation.

made to academies, colleges and female seminaries, by the fourth section of an act, passed the twelfth day of April, one thousand eight hundred and thirty-eight, entitled a supplement to an act to consolidate and amend the several acts relative to a general system of education by common schools, passed the thirteenth of June, one thousand eight hundred and thirty-six.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twentieth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 79.]

AN ACT

To encourage more effectually the destruction of Wolves and Panthers, in the counties of Luzerne, Susquehanna, Wayne, Pike, Jefferson, M'Kean, Tioga, Potter, Bradford and Monroe, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That from and after the passing of this act, any person or persons who may kill any wolf or wolves, panther or panthers, within the bounds of the counties of Luzerne, Susquehanna, Wayne, Pike, Jefferson, M'Kean, Tioga, Potter, Bradford and Monroe, and who shall produce the head or heads of the same, before any justice of the peace, in and for either of the aforesaid counties, it shall be the duty of such justice to examine such person or persons, on oath or affirm-^{Duties of Jus-} tices. tion, touching the time when and the place where such wolf or wolves, panther or panthers, was or were taken and killed, and if the place or places of such taking or killing shall be found to be within the bounds of the county in which such justice has jurisdiction, it shall be the duty of the justice to

give such person or persons a certificate of the facts to the county commissioners of the proper county, together with the scalp or scalps taken from the head or heads aforesaid, and the said commissioners, upon the receipt thereof, shall have such scalp or scalps destroyed, and thereupon draw their warrant upon the county treasurer; if for the scalp of a full grown wolf twenty-five dollars each; and if for the scalp of a wolf puppy not full grown, twelve dollars and fifty cents each; and if for the scalp of a full grown panther, sixteen dollars each; and if for a puppy panther not full grown for nine dollars for each and every scalp so produced as aforesaid; and it shall be the duty of such treasurer, and he is hereby directed to pay the amount of such order.

SECTION 2. If any person shall, in order to secure the reward authorized by this act, to be paid for the scalp of any wolf or panther, resort to the breeding and rearing of any of the aforesaid animals; such person, on conviction before a court of quarter sessions, shall be liable to a fine of not less than forty, nor more than one hundred dollars, at the discretion of the court, which fine, when it shall have been recovered, shall be paid to the treasurer of the proper county, to be applied as other county funds are applied.

SECTION 3. That so much of any former act or acts as are hereby altered and supplied, be, and the same are hereby repealed, so far as relates to the aforesaid counties.

SECTION 4. That so much of the second section of an act, passed on the 16th day of April, Anno Domini, one thousand eight hundred and thirty-eight, as relates to the taking and killing of foxes and wild cats, in the county of Wayne, be and the same is hereby repealed.

SECTION 5. That from and after the passage of this act, any person or persons who may kill any fox or foxes, wild cat or wild cats, within the bounds of the county of Fayette, in this commonwealth, and who shall produce the scalp or scalps, having the ears thereon, before any Justice of the Peace in and for said county, as aforesaid, it shall be the duty of such justice to examine such person or persons, on oath or affirmation, touching the time when and the place where such fox or foxes, wild cat or wild cats, was or were taken and killed, and if the place or places of such taking and killing shall be found to be within the bounds of the aforesaid county, it shall be the duty of such Justice to give the person or persons a certificate of the facts to the commissioners of said county, together with the scalp or scalps as aforesaid, and the said commissioners, upon the receipt thereof, shall immediately have such scalp or scalps destroyed, and thereupon draw their warrant on the county treasurer, if for the scalp of a full grown fox the sum of fifty cents, and for those that are not full grown the sum of twenty-five cents; and if for the scalp of a full grown wild cat the sum

Commissioner's duties.

Bounties.

of one dollar and fifty cents ; and for those that are not full grown the sum of seventy-five cents for each and every scalp so produced, as aforesaid, and it shall be the duty of such treasurer, and he is hereby directed to pay the amount of said order. Duties of Co. Treasurer.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twentieth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 80.]

A N A C T

To incorporate the Citizens' Mutual Insurance Company, of Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same :* That Robert A. Parrish, Robert E. Jones, Mark Richards, Jacob Broom, of Dauphin, James P. Park, William S. Torr, Benjamin Crispin, of Philadelphia county, James Twaddell, Charles Dull, Daniel Clark, Jonathan Shoemaker and such other persons as are or may be associated with them under the authority of this act, being citizens of the United States, their successors or assigns are hereby made a corporation, by the name of the Citizens Mutual Insurance Company of Pennsylvania, and they and their successors are hereby made a body politic and corporate in law, with all legal incidents of a corporation, aggregate ; *Provided*, That they shall not have the power to hold a greater amount of real estate than is necessary for the use of the corporation, in the transaction of the business thereof, or such as shall be taken in security for or in the payment of debts, nor shall the yearly income thereof exceed five thousand dollars, nor shall any by-law be repugnant to the constitution of this State or of the Union. Corporators. Name. Proviso. Income lim'd

Managers. **SECTION 2.** The power of this association shall be vested in eleven managers, to be chosen by ballot, annually, on the third Monday in January, at an annual meeting of the company to be held, and each permanent insurer being entitled to one vote.

Annual election. **SECTION 3.** Each permanent insurer in or with said company shall be a member thereof during the term of his or her policy, and no longer.

Membership. **SECTION 4.** That general meetings of the company shall be held annually on the third Monday of January at their office in Philadelphia, and also whenever called by the board of managers, or whenever requested by twenty members; and the members shall at such general meeting pass all by-laws, rules and regulations necessary for the well government of the affairs of the corporation, or vest the power so to do in the board of managers, and all elections shall be by ballot, each member being entitled to one vote: said election to be conducted by three judges, chosen by the existing board of managers for that purpose, who shall certify under their hands the result of said election, and the same be filed with the papers of the corporation: the managers for the time being shall choose from among their own members one to be president, and shall also from time to time, as it may be necessary, choose a treasurer; also appoint a secretary, and one or more surveyors, agents and officers, and fix their respective fees and salaries, and require such bonds for the faithful discharge of the duties assigned them as may be deemed necessary or the interests of the company may require, and shall have full power to suspend, remove or displace any such officer or agent of the company, and supply any vacancy which may happen by death, removal, or resignation of, among their own members until the next election, and they shall at the annual meeting of the members present to the company a general statement of its affairs.

Annual meetings and elections, when where and how held. **SECTION 5.** The president and managers shall have full power on behalf of the said corporation to make permanent or temporary insurance against losses by fire on any house, tenement, manufactory, or other buildings, and on goods, wares, merchandize, and effects and household furniture therein, and on hay, grain, and on other agricultural products in barns, stacks or otherwise, and generally on all kinds of goods, wares and merchandize and effects upon the land; to make, execute and perfect such and so many contracts, bargains, agreements, policies and other instruments as shall or may be necessary, and as the nature of the case shall or may require, and every such contract, agreement and policy to be made by the said corporation shall be in writing or in print and be under the seal of the said corporation, signed by the president and attested and signed by the secretary or other

Officers.

Salaries.
Bonds.

Removal.

Vacancy.

Insurance.

Policy.

officer who may be appointed by the president and managers for that purpose, and also shall be signed by the party insured, and the president and managers are hereby empowered to have made, and to procure a seal, with such device as they may deem proper to be used by them, as the common official seal of the company. Seal.

SECTION 6. It may be lawful for the said company to employ and improve all moneys received by them and the profits thereof, in the funded debts of the United States, or any of the United States, or of any city, or incorporated district or borough of this state, or in the stock of any chartered or incorporated bank, or in the stock or loan of any incorporated canal, navigation, bridge, rail road, or other chartered company, that is now or may be hereafter incorporated by the United States, or any of the States of the Union, or in the purchase of any ground-rents or mortgages, or in any loans on good and sufficient security; and no money shall be drawn from the funds of the company for the purpose of making dividends or dividing profits, nor for other purposes than first to defray the current or incidental charges of the corporation, and then for the purpose of paying such damages as any member or insurer in said company may be justly entitled to, and when the just demand of any insurer in said company or member thereof, shall exceed the amount of its funds, such sum as shall be necessary to pay the same, shall without unnecessary delay be assessed by the board of managers on the members and insurances in proportion to their premiums and deposits. Investment.

Dividends.

SECTION 7. All and every of the members of this company, and other person or persons who shall sustain any loss or damage by fire, shall give immediate notice to the president and managers of the company at their office, to the end that the managers, their officers or agents may examine and inquire into the same; and the board of managers with all convenient expedition shall inquire into the same, and after ascertaining the sum which said parties shall be lawfully entitled to, make provision and payment as herein is specified. Losses.

Inquired into.

SECTION 8. The president and managers shall fix such rates of insurance and incidental charges and fees as may be deemed by them equitable and proper; nothing in this charter to be so construed as to allow any of the funds of the association to be used for banking or manufacturing purposes. Rates.

Banking, &c.
prohibited.

SECTION 9. If at any time it shall appear that the chartered privileges hereby granted are injurious to the public welfare, the power thereof to repeal shall not effect any engagements to which said company may have become a party previously thereto, and that the said company shall have a reasonable time to bring their accounts to a final settlement. Repealing
clause.

SECTION 10. The first eleven named persons in this bill to

Managers,
powers and
officers.

constitute the first board of managers, with power to organize the corporation and appoint a president and other officers and agents agreeable to the spirit of this act, and to hold their power and authority until the next election, as is herein provided, with all the powers contemplated to be vested in the board of managers, elected by the company, under the authority of this act.

No policy is-
sued till \$50,-
000 insured.

SECTION 11. No policy shall be issued by the company until application be made for insurance to the amount of fifty thousand dollars.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twentieth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 81.]

A N A C T

To incorporate the Lycoming county Mutual Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Jacob Haines, Benjamin Jones,

Corporators.

Robert Wilson, Edward Lyon, Gershom Biddle, Peter Shoemaker, Samuel Rogers, James Ranken, John J. Crause, Joshua Bowman, William A. Petriken, Cowden S. Wallis, Jacob Davison, and Jacob Pott; and all other persons who may hereafter associate with them in the manner herein prescribed, shall be a corporation by the name of the Lycoming county Mutual Insurance Company, for the purpose of insuring their respective dwelling houses, manufactories, mills, merchandize, stores, shops and other buildings, household furniture and other property, against loss or damage by fire.

Name.

Purposes

First directors
Business

SECTION 2. The persons named in the first section of the act, shall be the first directors of the said corporation. The business of the said corporation shall be carried on and con-

ducted in the borough of Muncy, in the county of Lycoming, ^{Where conducted.}
 at such place in said borough, as shall be designated by the
 said board of directors, or by a majority of the board of directors at any regular meeting.

SECTION 3. The corporation hereby created, shall possess all the powers and privileges, and be subject to all the restrictions and limitations, which are granted to, and imposed upon ^{Powers and privileges.}
 the Bradford County Mutual Insurance Company, by the act of Assembly, passed April thirteenth, eighteen hundred and thirty-eight, entitled "an act to incorporate the Bradford County Mutual Insurance Company, and for other purposes."

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 82.]

A N A C T

To incorporate the Eagle Fire Company, of the Borough of Erie.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That all and every the persons who shall at the time of passing this act be members of the association called the Eagle Fire Company, in the borough of Erie, shall be and they are hereby created and declared to be one body politic and corporate by the name, style and title ^{Name.}
 of the Eagle Fire Company; and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of record or elsewhere, and also the said corporation and their successors, at all times hereafter, be able to purchase, receive, have, hold, ^{Liberties and franchises.}
 and enjoy to them and their successors, all and all manner of lands, tenements, annuities, rents, liberties, franchises, and other hereditaments, goods and chattels of what nature, kind or quality soever; real, personal or mixed, or choses in action, and the same from time to time to sell, grant, demise, alien, and dispose of; *Provided,* That the clear yearly value or income ^{Proviso.}

Income limit- of the said corporation shall not exceed fifteen hundred dol-
ed. lars ; and also to make and have a common seal, and the same
Seal. to break and renew at pleasure ; and also to ordain, establish
By-laws. and put in execution such by-laws, ordinances, and regula-
tions as shall appear necessary and convenient for the
government of the said corporation, not being contrary
to the constitution and laws of the United States or of this
commonwealth, and generally to do all and singular the matters
and things which to them it shall lawfully appertain to do, for
the well being of the said corporation and the due manage-
ment and ordering the affairs thereof.

SECTION 2. Nothing in this act contained, shall be deemed
Banking, &c. to authorise the said company to engage either directly or in-
prohibited. directly, in any banking, moneyed, commercial or manufactur-
ing concern, or to act in any other way than as a fire com-
pany.

SECTION 3. The legislature reserves the power, to alter,
Repealing revoke or annul the privileges and charter hereby granted,
clause. whenever in their opinion, the same may be injurious to the
citizens of the commonwealth, in such manner, however, that
no injustice shall be done to the corporators.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand
eight hundred and forty.

DAVID R. PORTER.

[No. 83.]

AN ACT

Changing the names of Edward Smith, and Isaac Handy Smith,
to Edward Smith Handy, and Isaac Smith Handy.

SECTION 1. *Be it enacted by the Senate and House of
Representatives of the Commonwealth of Pennsylvania in Ge-
neral Assembly met, and it is hereby enacted by the autho-
rity of the same: That Edward Smith, and Isaac Handy
Smith, both of the city of Philadelphia, sons of Isaac P.*

Smith of Snow Hill, Worcester county, in the state of Mary-Edward
land, be and they are hereby authorised to change their re-Smith chang-
spective names, from Edward Smith, to Edward Smith ed to Ed-
Handy, and from Isaac Handy Smith, to Isaac Smith Handy; ward Smith
and by the said names shall be hereafter respectively called Handy, Isaac
and known, for all and every object, interest and purpose changed to
whatever. Isaac Smith
Handy.

WM. HOPKINS,
Speaker of the House of Representatives.
W. T. ROGERS,
Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight
hundred and forty.

DAVID R. PORTER.

[No. 84.]

A SUPPLEMENT

To the act, entitled “an act to vest in Amelia Matthews, a certain escheat-
ed estate, and for the sale and conveyance of certain real estate,” passed
the first day of April, one thousand eight hundred and thirty-five.

SECTION 1. *Be it enacted by the Senate and House of
Representatives of the Commonwealth of Pennsylvania, in
General Assembly met, and it is hereby enacted by the au-
thority of the same:* That the ministers, elders, and church
wardens of the German Lutheran congregation, in and near
the city of Philadelphia, be and they are hereby authorised to Surplus reve-
appropriate to the payment of the debts of the said congrega-nue arising
tion, as well as to such other uses not inconsistent with the from leases
charter, or fundamental rules and regulations thereof, as in appropriated
their judgment shall be best calculated to advance the general to payment of
interests of the same; any surplus of revenue arising from debts, &c
by the twelfth section of the act to which this is a supplement,
which may remain after fully satisfying the trusts enumer-
ated in the said section.

WM. HOPKINS,
Speaker of the House of Representatives.
W. T. ROGERS,
Speaker of the Senate.

APPROVED—The twentieth day of March. one thousand
eight hundred and forty.

DAVID R. PORTER.

[No. 85.]

A SUPPLEMENT

To an act entitled an act regulating election districts, and for other purposes; passed the first day of April, eighteen hundred and thirty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That it shall be lawful for the county commissioners, of Columbia county, to fill the vacancy in the office of treasurer of the said county, occasioned by the death of Jeremiah Welliver, late treasurer, by the appointment of some suitable and competent person, who shall continue in said office for the unexpired term of said deceased; and, where any vacancy in said office shall hereafter happen, by death, resignation or otherwise, it shall be lawful for the said county commissioners, to fill said vacancy by such appointment, until the next following election, to be held in pursuance of the eighty-third section of the act, to which this is a supplement.

Columbia co.
comms. to
fill vacancy in
Treasurers of-
fice.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twenty-first day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 86.]

A N A C T

For the relief of John Brown and] others, soldiers, and widows of soldiers of the Revolutionary and Indian Wars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the State Treasurer, be, and he is hereby authorized and required to pay to John Brown of Mercer county, Peter Swesey of Beaver county, George White of Monroe county, Oliver Watson of Lancaster county, and Azariah Davis of Fayette county, soldiers; and Sarah Newberry of Northumberland county, Rachael Steinrod of Greene county, Sarah Truax of Bedford county, Mary May of Fayette county, Mary Gruber of Luzerne county, Barbara Bankers of Lancaster county, Martha Morrison of Venango county, and Susanna Williams of Bucks county, widows of soldiers of the Revolutionary and Indian Wars, or to their respective orders forty dollars each immediately as a gratuity, and an annuity of forty dollars each during life, to be paid half yearly, commencing on the first day of January, one thousand eight hundred and forty.

SECTION 2. That the State Treasurer, be, and he is hereby authorised and required to pay, to James Johnson and James Robison of Beaver county, or to their respective orders forty dollars, immediately as a gratuity in full for military services, rendered by them in the Revolutionary and Indian Wars.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twenty-first day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 87.]

AN ACT

To provide for the erection of a house, for the employment and support of the poor of the county of Lehigh.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Solomon Gangware of Allentown, Thomas Kern of North Whitehall, Jacob Bast of Hanover, George Miller of Millerstown, William Hittel of Upper Milford, John S. Kistler of Lynn, Jacob Gagenbach Upper Macungie, Abraham Shaffer Upper Saucon, Michael Harter of Heidelberg, John Riter, Salisbury, Joshua Seiberling, Weisenburg, Andrew Shifferstine, Lowhill, Daniel Newhard, South Whitehall township, be, and hereby are appointed commissioners, whose duty it shall be, or a majority of them on or before the first day of January, Anno Domini, eighteen hundred and forty-one, to determine upon, and purchase such real estate as they shall deem necessary, for the accommodation of the poor of Lehigh county, and it shall be lawful for said commissioners, or a majority of them to take conveyances therefor, in the name, and for the use of the corporation mentioned in the third section of this act, and they shall certify their proceedings therein, under their hands and seals to the clerk of the court of Quarter sessions of Lehigh county, to be filed in his office, and at the next general election, the qualified electors shall elect three reputable citizens of the said county to be directors of the poor, and of the house of employment for the county of Lehigh, for the ensuing year; and the judges of the election of said county, shall immediately on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter, certify under their hands and seals the names of the persons so elected directors, to the clerk of the court of quarter sessions of the said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said directors of their being elected, and the said directors shall meet at the court house in the said county, on the first Monday of November next, ensuing their election, and divide themselves by lot into three classes, the place of the first to be vacated at the expiration of the first year; of the second,

Commissioners.

Duty to

Purchase real estate &c,

Certify proceedings to Quat. session.

Election of directors.

Their meeting and classification.

at the expiration of the second year; of the third, at the expiration of the third year; so that those who shall be chosen after the first election, and in the mode above described may serve for three years, and one third may be chosen annually.

SECTION 2. Every director elected in manner aforesaid, or appointed as is directed by the eleventh section of this act, shall within ten days after he is notified of such election or appointment, and before he enters upon the duties of the said office take an oath or affirmation, which any justice of the peace of the said county is hereby authorized to administer, that he will discharge the duties of the office of director of the poor for the said county, truly, faithfully, and impartially, to the best of his knowledge and ability, and in case of neglect or refusal to take the said oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of ten dollars for the use of the poor of said county, which fine shall be recovered by the directors for the time being, as debts are or shall be by law recoverable, and the directors qualified as aforesaid, are hereby authorized to administer an oath or affirmation in any case, when it shall be necessary in relation to the duties of their office.

Penalty on neglect or refusal to take oath of office.

SECTION 3. The said directors shall forever hereafter, in name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever relative to the poor of the county of Lehigh, and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title of the Directors of the Poor and of the house of employment of the county of Lehigh, and by that name shall and may receive, take and hold any lands, tenements and hereditaments, not exceeding the yearly value of five thousand dollars, and any goods and chattles whatsoever, of the gift, alienation or bequest of any person or persons, whatsoever, to purchase, take and hold any lands and tenements within their county in fee simple or otherwise, and erect suitable buildings for the reception, use and accommodation of the poor of said county; to provide all things necessary for the lodging, maintenance and employment of said poor; to appoint a treasurer, annually, who shall give bond with full and sufficient surety for the faithful discharge of the duties of his office, and at the expiration thereof for the payment and delivery over to his successor in office of all moneys, notes, bonds, book accounts and other papers to the said corporation belonging, which shall then be remaining in his hands, custody and possession, and said director shall have power to employ and at pleasure remove a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other attendants that may be necessary for the said poor, respectively; to bind out apprentices so that such apprentice-

Incorporation.

Name.

Privileges.

Treasurer to give bond.

Power of directors.

To bind out apprentices.

Term of service. ship may expire, if males at or before the age of twenty-one years, if females at or before the age of eighteen years; *Provided*, That no child shall be bound out for a longer time than until he arrives to the age of eighteen years, unless he be bound out to a trade other than a farmer; *And provided*, in all cases, the person to whom they are bound be required to give the child at least three months' schooling in each year; *Provided also*, That no child shall be bound at a greater distance than thirty miles from the poor house. And the said directors shall exercise and enjoy all such other powers not vested in the overseers of the poor as are not herein granted or supplied; and the said directors are hereby empowered to use one common seal in all business relating to the said corporation, and the same at their pleasure to alter and renew.

Proviso. Schooling. Invested with powers of overseers. Seal.

SECTION 4. The said directors, as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands and building, of erecting the necessary building or buildings and furnishing the same, and maintaining the poor within the said county for one year; whereupon, the county commissioners of the said county shall, and they are hereby authorized and required to increase the county tax, by one-fourth part of the sum necessary for the purpose aforesaid, and shall procure on loan, on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof to be paid in instalments with interest, out of the county taxes: *Provided always*, That if such loan cannot be made, the whole amount of the sum necessary for the purpose aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax, to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favor by the county commissioners, as the same may be found necessary.

To estimate expense. Commissioners to increase county tax—procure loan. Proviso if loan cannot be made.

SECTION 5. It shall be the duty of the said directors on or before the first day of November, in each and every year, to furnish the commissioners of said county with an estimate of the probable expense of the poor and poor house for one year; and it shall be the duty of said commissioners to assess, and cause to be collected the amount of said estimate, which shall be paid to said directors by the county treasurer, on warrants drawn in their favor by the county commissioners, as the same may be found necessary; and the said directors shall, at least once in every year, render an account of all moneys by them received and expended, to the auditors appointed to audit and settle the county accounts, subject to the same penalties, rules and regulations, as are by law directed respecting the accounts of the county commissioners; and shall, at least once in every year, lay before the court of Quarter sessions and grand jury of said county, a list of the number, ages, and sex of the persons maintained and employed in the said

Directors to furnish commissioners with annual estimate. Settle with auditors. To submit list, &c., of paupers to Q. Sessions.

house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeship as aforesaid, with the names of their masters or mistresses, and their trade, occupation or calling; and shall, at all times when thereunto required, submit to the inspection and free examination of such visitors as shall from time to time be appointed by the court of Quarter Sessions of the said county, all their books and accounts, together with the rents, interests and moneys payable and receivable by the said corporation, and also an account of all sales, purchases, donations, devises bequests, as shall have been made by or to them.

SECTION 6. As soon as the said buildings shall have been erected or purchased, and all necessary accommodations provided therein, notices shall be sent, signed by any two of the said directors, to the overseers of the several townships of the said county of Lehigh, requiring them forthwith to bring the poor of their respective townships to said house of employment, which order the overseers are hereby enjoined and required to comply with, or otherwise to forfeit the costs of all future maintenance, except in cases when by sickness or any other sufficient cause, any poor person cannot be removed, in which case the said overseers shall represent the same to the nearest justice of the peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at the same time issue an order, under his hand and seal, to the said overseers, directing them to maintain such poor until such time as he or she may be in a situation to be removed, and then to convey the said pauper and deliver him or her to the steward or keeper of the said house of employment, together with the said order; and the charge and expense of such temporary relief, and of such removal, shall be paid by the said directors at a reasonable allowance.

SECTION 7. The said directors shall from time to time receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in said county of Lehigh, and shall be sent thereby, an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said county of Lehigh, or to the overseers of the proper township in any other county of this commonwealth, and the said directors are hereby authorized, when they shall deem it proper and convenient to do so, to permit any poor person or persons to be maintained elsewhere: *Provided*, The expense of their maintenance does not in any case exceed that for which they could be maintained at the poor house of the said county of Lehigh.

SECTION 8. The said directors, or any two of them, who shall be a quorum in all cases to do business, shall have full

Inspection by
visitors.

Paupers how
removed to
house when
erected.

Certain ex-
penses how
paid.

Who are en-
titled to relief
and how
granted.

Out-door re-
lief.

Proviso.

Powers of di-
rectors.

Rules. power to make and ordain such ordinances, rules and regulations as they shall think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their cognizance: *Provided*, The same be not repugnant to this law, or any of the other laws of this state or of the United States: *And provided also*, That the same shall not have any force or effect, until they shall have been submitted to the court of Common Pleas for the time being of the county of Lehigh, and shall have received the approbation of the same.

Revenue. of employment aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their cognizance: *Provided*, The same be not repugnant to this law, or any of the other laws of this state or of the United States: *And provided also*, That the same shall not have any force or effect, until they shall have been submitted to the court of Common Pleas for the time being of the county of Lehigh, and shall have received the approbation of the same.

Proviso. cognizance: *Provided*, The same be not repugnant to this law, or any of the other laws of this state or of the United States: *And provided also*, That the same shall not have any force or effect, until they shall have been submitted to the court of Common Pleas for the time being of the county of Lehigh, and shall have received the approbation of the same.

2d Proviso. force or effect, until they shall have been submitted to the court of Common Pleas for the time being of the county of Lehigh, and shall have received the approbation of the same.

Rules to be sanctioned by court. court of Common Pleas for the time being of the county of Lehigh, and shall have received the approbation of the same.

Monthly meeting of inspection. SECTION 9. A quorum of said directors shall, and they are hereby enjoined and required to meet at the said house of employment, at least once in every month, and visit the apartments, and see that the poor are comfortably supported, and hear all complaints, and redress, or cause to be redressed all grievances that may happen by the neglect or misconduct of any person or persons in their employment, or otherwise.

Compensat'n for their services annually the sum of twenty dollars, to defray the expenses of their necessary attendance on the duties of their office.

Vacancy how supplied. SECTION 11. In case of any vacancy by death, resignation or otherwise, of any, of the said directors, the remaining directors shall fill such vacancy by the appointment of a citizen of their county, under the same penalty as is provided by the third section of this act, to serve until the next general election, when another director shall be elected to serve, as if no such vacancy had happened.

Duties of overseers relative to taxes, &c. SECTION 12. All claims and demands existing at the time of this act being carried into effect, shall have full force and effect as if this act had not passed, and when the same may have been duly adjusted and settled, all moneys remaining in the hands of the overseers, as well as the uncollected taxes levied for the support of the poor in the several townships in the county of Lehigh, shall be paid over to the supervisors of the highways of their respective townships, to be by them applied towards the repairing of the roads therein.

Office of overseer abolished. SECTION 13. As soon as the poor of the county of Lehigh shall have been removed to the house of employment of the said county, and the outstanding taxes collected and paid over, the office of overseer of the poor within the said county shall from thenceforth be abolished.

Transfer of certain duties to supervisors of highways. SECTION 14. The powers conferred, and the duties imposed on the overseers of the poor, in and by an act to empower the overseers and guardians of the poor of the several townships within this commonwealth, to recover certain fines, penalties and forfeitures, and for other purposes, are hereby conferred and imposed on the supervisors of the highways in the said

county of Lehigh, and that the justices of the peace and sheriff, within the said county, are hereby required and enjoined to pay to the said supervisors, to be by them applied to the repair of the highways, the aforesaid fines, forfeitures and penalties, within the time and in the manner prescribed by the said act, for the payment thereof in other counties to the overseer of the poor, and to give notice of the receipt thereof to the said supervisors, within the time and in the manner aforesaid, and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the said justice of the peace and sheriff, in the said county, shall be subject to all fines, penalties and forfeitures, to which the justices and sheriffs in other counties by the said act are subject or liable.

SECTION 13. The commissioners of said county are hereby authorized and empowered to pay to the persons, who are appointed commissioners by the first section of this act, one dollar each for every day necessarily employed in the discharge of their duty, under the provisions of this act, and the mileage allowed to jurors attending court for every mile necessarily travelled in the performance of their duty; and also, to pay to each of the said directors a reasonable compensation for their services, during the term they are employed in erecting any building or buildings aforesaid: *Provided*, The same shall not, including the annual sum allowed them by this act, exceed fifty dollars for any one year.

Co. comm'rs to defray expenses of view-ers and compensate directors.

SECTION 16. So much of the laws of this commonwealth relating to the poor, as are by this act altered or supplied, be, and the same are hereby repealed, so far as they affect the county of Lehigh.

SECTION 17. That the sheriff of the said county shall in due time notify the said commissioners of their appointment, and when and where they shall meet for entering upon the duties assigned them by this act, which place of meeting shall be as near the centre of the county as possible.

Sheriff to notify comm'rs of their appointment.

SECTION 18. For the purpose of ascertaining the sense of the citizens of Lehigh county, as to the expediency of erecting a poor house, it shall be the duty of each of the inspectors, for the several townships and boroughs, at the next general election, to receive tickets either written or printed from the qualified voters thereof, labelled on the outside "poor house," and in the inside "for a poor house" or "against a poor house," and if it shall appear, upon casting up the votes in the different districts, at the court house, on the same day that other returns are made out, that a majority of those who voted are for a poor house, then the foregoing act to take effect, but if a majority of votes are found to be against a poor house, the foregoing act be, and the same is hereby declared null and void.

Citizens to vote "for" or "against" a poor house.

SECTION 19. And the sheriff of Lehigh county shall cause

Sheriff to
publish this
act.

to be published the eighteenth section of this act, in all the newspapers printed in said county, at least six weeks previous to the next general election, the expenses of which to be paid out of the county treasury.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twenty-first day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 88.]

A N A C T

To enable the Philadelphia Society for the establishment and support of Charity Schools to ordain certain by-laws for the government of the said society.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That it shall and may be lawful for the Philadelphia society for the establishment and support of charity schools, at any stated meeting of the said society, to ordain and enact any by-law or by-laws, rules and regulations, fixing the quorum of the said society, and of their board of Managers, the mode of admitting new members, the amount to be paid by life members and annual contributors, and also to ordain and enact any other by-laws, rules and regulations which may appear convenient or necessary for the government of the said corporation, and the due management and ordering of the affairs thereof; *Provided*, That the said by-laws, rules and regulations be not repugnant to the constitution or laws of the United States or of this commonwealth, or to

By-laws.

Annual contributors.

Provided.

the objects for which the said society was incorporated; *And*^{2d} Proviso. *provided further*, That the said by-laws, rules and regulations shall have been imposed at a previous stated meeting of the said society.

SECTION 2. That in case the annual election shall not take place on the day appointed for that purpose, the said corporation shall not on that account be dissolved but the officers and managers thereof shall continue in office until a new election, ^{In case of failure to elect.} shall be held at such time and place and after such notice as the said corporation shall prescribe.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twenty-third day of March, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 89.]

A N A C T

To incorporate the Pottstown Female Seminary.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*: That there shall be and is hereby established for the education of female youth in the arts and sciences and useful literature a female seminary in the borough of Pottstown, in the county of Montgomery, to be entitled "The Pottstown Female Seminary," of which Dr. David M. Fort, Rev. Henry S. Miller, Jacob S. Yost, Henry Potts, John P. Rutter, Geo. Richards, N. P. Hobart, Thomas Jefferson Gross, and Charles H. Clay are hereby appointed trustees for the term of one year from the date of this act, and until others are chosen. ^{Seminary established.} ^{Name & style} ^{Trustees.}

SECTION 2. That the said seminary so established shall be subject to all the provisions and restrictions of the seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth sections of an act, passed the sixteenth day of April, Anno Domini, ^{Provisions & restrictions.}

M

one thousand eight hundred and thirty-eight, entitled "An act to authorize the president judge of the district court of Allegheny county to hold special courts in Fayette county, in certain cases, and for other purposes."

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twenty-third day of March, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 90.]

A N A C T

To incorporate "The Westmoreland county Lyceum and Museum of Natural History."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the Westmoreland county Lyceum and Museum of Natural History, located in the borough of Greensburg, is hereby erected into one body politic and corporate, in deed and in law, by the name, style, and title of "The Westmoreland county Lyceum and Museum of Natural History," and by that name shall have perpetual succession, and be able to sue and be sued, and shall be able and capable in law and equity, to take and hold any real estate, for the purposes of erecting a suitable building or buildings thereon, for the use of said lyceum, not exceeding in value the sum of three thousand dollars; and also any goods and chattels, or sums of money, by gift, grant or otherwise, and the same to grant, bargain and sell, for the use of said lyceum, and generally to do all and singular the matters and things which shall be lawful for them to do, for the well being and management of the said corporation.

SECTION 2. The said corporation shall consist of all such persons as are now members, or shall hereafter be admitted as such, agreeably to the by-laws.

SECTION 3. The officers of said corporation shall consist ^{Officers.]} of one president, first and second vice presidents, one librarian, one secretary, one corresponding secretary, and one treasurer, and the duties of the aforesaid officers shall be particularly enumerated in the by-laws.

SECTION 4. The officers of said corporation shall be chosen by ballot, at a general meeting of the members of said lyceum, ^{Election of annually.} on the first Friday in January annually, and shall continue in office for one year, and until successors are elected.

SECTION 5. The said corporation shall have power at any ^{By-laws.} general meeting to make such by-laws, and so thereafter to alter and amend the same, as may be deemed necessary for its regulation: *Provided*, That such by-laws are not repugnant ^{Proviso.} to or inconsistent with the constitution and laws of this state, or of the United States.

SECTION 6. The legislature reserves the right to alter, ^{Repealing clause.} amend or annul this charter, at any time hereafter.

SECTION 7. The specimens of geology and mineralogy of each county in the state, to be furnished by the state geologist to the county of Westmoreland, agreeably to the fifth section of the act of the twenty-ninth of March, one thousand eight hundred and thirty-six, shall after the passage of this act ^{Lyceum to receive mineral-ogical specimens from state geologist} be deposited with the said lyceum, and separately be placed among their other collections of natural curiosities. The said specimens shall at all times be open to the inspection of any citizens of this ^{Specimens to be returned to commissioners of Westmoreland Co.} commonwealth without charge, and in case the corporation hereby created shall at any time be dissolved, the said specimens shall be returned to the commissioners of the county of Westmoreland, subject to such order for the care and exhibition of the same as the court of Common Pleas of the said county may direct.

WM. HOPKINS,

Speaker of the House of Representatives,

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty,

DAVID R. PORTER.

[No. 91.]

A SUPPLEMENT

To the act entitled "An act regulating Lateral Rail Roads."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the several provisions of the act entitled

Provisions of
act of 5th May
1832 extend-
ed to certain
counties, own-
ers of land,
mills, quarries,
mines, &c.

Proviso.

"An act regulating lateral rail roads," passed May fifth, Anno Domini, one thousand eight hundred and thirty-two, shall extend to the counties of Northampton, Lehigh and Cambria, also to the owner or owners of land, mills, quarries, coal or other mines, limekilns or other real estate in the vicinity of any rail road, canal or slackwater navigation made or to be made hereafter by any company, individuals, or by the state of Pennsylvania; *Provided*, That if the parties interested cannot agree upon the mode, manner or point of connexion with such rail road, canal, or slackwater navigation, the same shall be determined by the jury to be appointed by virtue of the provisions of the first section of the act to which this is a supplement.

SECTION 2. That from and after the passage of this act it shall and may be lawful for any person or persons, company

Persons may
construct lat-
eral rail roads
with one or
more tracks of
six miles in
length.

Subject to
same proceed-
ing as direct'd
by act 5th
May, 1832.

or companies, now or hereafter to be incorporated in this commonwealth, to construct rail roads with one or more tracks under the surface over any intervening lands, not exceeding six miles in length, to or from any coal or iron or other mines, quarries, limekilns or other real estate, and connect the same with any rail road or rail roads, belonging to any individual or individuals, company or companies, now or hereafter to be incorporated in this state, and also with any highway or public improvement; *Provided*, That the parties interested shall in cases be subject to the same proceedings required under the act of May fifth, Anno Domini, one thousand eight hundred and thirty-two; an act regulating lateral rail roads; *Provided further*, That if the parties interested cannot agree upon the mode, manner, or point of connexion with such rail road or rail roads, the same shall be determined by the jury to be appointed by virtue of the provisions of the first section of the

act last aforesaid; *Provided*, That so much of the act to ^{Proviso.} which this is a supplement as prohibits a writ of error or appeal shall be and the same is hereby repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 92.]

AN ACT

To incorporate the Annville Academy, in the county of Lebanon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That there shall be and hereby is established in the town of Annville, in the county of Lebanon, an academy or public school for the education of youth in the English and other languages, and in the useful arts, sciences and literature, by the name, style and title of the Annville Academy, under the care and direction of six trustees who and their successors in office shall be and are hereby declared to be one body politic and corporate, in deed and in law, by the name and style of "The Trustees of the Annville Academy," and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere and shall be capable in law and equity to take and hold to them and their successors for the use of said academy, lands, goods, chattels, moneys of every kind whatsoever, by gift, grant, conveyance, devise or bequest from any person or persons whomsoever capable of making the same, and the same from time to time to sell, convey or dispose of for the use of said academy, and to erect such buildings as may be necessary,

Academy established.

Name & style

Powers and privileges.

Seal.

and to have and use one common seal, and the same to alter and renew at pleasure, and generally to do all and singular the matters and things that shall be lawful for them to do, for the well being of said academy and the due management and ordering of the affairs thereof.

SECTION 2. The first election of trustees shall take place on the first Monday in January, in the year one thousand eight hundred and forty-one, and on the same Monday thereafter, annually, in the academy in said town of Annville, and the said election shall commence at the hour of one o'clock in the afternoon, and continue until five o'clock in the afternoon, and shall be conducted by two managers who shall be appointed by a majority of the citizens qualified to vote, who may be present, at the time of commencing said election. No person shall be allowed to be a trustee or to vote unless he be a stockholder, and shall have subscribed and paid to the funds of said academy the sum of ten dollars. The votes shall be given by ballot, and each ticket shall be labelled on the outside "Trustees of Annville Academy," and the first election shall contain the names of six persons, and the six having the greatest number of votes, and being qualified according to the provisions of this act, shall be the trustees for the ensuing year and until their successors are elected; the managers shall certify the result of the election to each person so elected, and as soon as convenient after the election the said trustees shall by lot divide themselves into four classes, of two each, the term of office of the first class shall expire in one year after their election, that of the second class in two years, that of the third class in three years, and after the first election but two trustees shall be elected annually. The board of trustees shall have power to fill vacancies, to appoint their president, who shall be one of the elected trustees, and they shall have power to enact such by-laws as may be necessary, not being inconsistent with the constitution and laws of the United States or the constitution and laws of this commonwealth, and three of the said trustees shall constitute a quorum, and a quorum may in the absence of the president appoint a president pro tempore; the president shall be appointed yearly; the said board of trustees shall appoint a secretary and treasurer yearly, but they have shall power to remove either whenever a majority of the board shall think it proper. The treasurer shall, before he commences the duties of his office, give a bond to said corporation with one or more good sureties, to be approved by a majority of the managers, for a penal sum double the estimated amount for the time being of the funds of the corporation, conditioned for the performance of the duties enjoined and the repayment of moneys received by him.

Annual election when, where and how held.

Who may vote or be a trustee.

Classification of trustees.

Vacancies. President.

By-laws.

Quorum.

Secretary and treasurer.

Bond.

SECTION 3. The treasurer shall receive and hold all moneys belonging to the institution and pay the same only to the order of the board, signed by the president and secretary, or by a majority of trustees, and he shall keep fair accounts thereof, to be open at all seasonable hours for the inspection of such committee as said stockholders may appoint, and the said treasurer shall annually in the month of January exhibit all his books, vouchers and accounts of every kind before the trustees of the institution. Duties of treasurer.

SECTION 4. Any and all property or money which may have heretofore been granted or in any wise directed by the owner thereof to be appropriated to the use of the institution hereby established, is hereby vested in said corporation. Certain property vested in corporation.

SECTION 5. John G. Marshall, Cyrus Carmoney, John Troxall, Henry Siegreest, Daniel Strubhour and John Ely are hereby appointed trustees of said corporation until their successors be elected, with the same powers as are hereinbefore vested in the board of trustees hereafter to be elected: *Provided*, That the said academy shall not be entitled to the annual appropriation to academies, provided for in the fourth section of the act of the twelfth of April, one thousand eight hundred and thirty-eight, entitled "A supplement to an act to consolidate and amend the several acts relative to a general system of education by common schools, passed the thirtieth day of June, one thousand eight hundred and thirty-six." Trustees. Not to receive annual appropriation.

SECTION 6. The legislature reserves the right to repeal, alter or amend the privileges hereby granted in such manner that no injury be done to the corporators. Repealing clause.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 93.]

A N A C T

To alter and amend the act incorporating the society of Equal Rights of Carlisle, Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That all and every the persons, who shall at the time of the passage of this act be stockholders in the society, called "The Society of Equal Rights of Carlisle, Pennsylvania," shall be, and they are hereby created and declared to be one body politic and corporate, by the name, style, and title of "The Trustees of the Carlisle Institute," and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded in all courts of record or elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels, of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time to sell, grant, devise, alien or dispose of: *Provided*, That the clear yearly value or income of the houses, lands and tenements, rents, annuities or other hereditaments, and real estate of the said corporation, and the interest of money by it lent, shall not exceed eight hundred dollars; and also, to ordain, establish, and put in execution such by-laws, ordinances and regulations, as shall be necessary and convenient for the government of said corporation, not being contrary to the charter or to the constitution and laws of the United States, or of this commonwealth, and also to make and have a common seal, and the same to break, alter or renew at pleasure, and generally to do all and singular the matters and things which to them it may lawfully appertain to do for the well being of the said corporation, and the due management and ordering of the affairs thereof: *Provided further*, That nothing herein contained shall be construed to confer upon the said corporation hereby created, the right to do or to exercise any mechanical, manufacturing, or banking business or privileges.

Name and style.

Privileges and franchises.

Proviso.

Annual income limited.

By-laws.

Seal.

2d Proviso.

Prohibited from manufacturing or banking.

SECTION 2. That Robert Cameron, Abraham Hendel, Samuel Myers, Jason W. Eby, George W. Crabb, John Ha-

milton, George Sanderson, William M. Porter, and Henry Trustees.
 Anderson, the present trustees, be and they are hereby de-
 clared to be the trustees of said institute, until the first Sa- Of their con-
 turday of January next: three of said trustees to serve for one tinuation in
 year, three for two years, and three for three years, and the office.
 term for which they shall severally serve to be determined by
 said trustees by lot, at their first meeting, and on the first To be elected
 Saturday of January next, and on the same day in every year annually.
 thereafter, the stockholders shall proceed to elect three trus-
 tees in the room of those whose time has expired, to continue
 in office until others are chosen. And the said election shall Election
 be held at such place as may be fixed upon, and conducted when held.
 by two judges and a clerk to be appointed by the board of
 trustees, at their meeting next preceding the day of election,
 and whose duty it shall be to report the result to the next
 succeeding meeting of the board, and no one shall be eligible
 to the office of trustee who has not been a stockholder for at
 least three months preceding the election; and at such elec-
 tion each stockholder, who holds one share of stock, shall be Votes.
 entitled to one vote, two shares to two votes, three shares to
 two votes, five shares to three votes, eight shares to four
 votes, twelve shares to five votes, and for every two additional
 shares above twelve one vote. And in the case of death, Vacancies.
 resignation, or removal from office of any trustee, or vacancy
 in the board from any other cause, the remaining members of
 the board shall fill such vacancy as often as it occurs, until
 the next regular election: *Provided*, That no one shall be Proviso.
 entitled to vote upon stock, of which he or she has not been
 the holder for at least three months before the election at
 which he proposes to vote, nor unless all the instalments
 called for and then due on his or her stock has been fully
 paid. And if for any cause there should be a failure to elect In case of fai-
 trustees, the corporation shall not thereby be dissolved, but lure to elect.
 the trustees in office shall continue until the next regular elec-
 tion.

SECTION 3. The trustees aforesaid to elect a president and
 secretary from their own body, and in case of absence or ina- Officers.
 bility to act of either, or both, to appoint one respectively
 pro tem; a majority shall constitute a quorum for the tran-
 saction of business, and they are also hereby empowered to
 to appoint a treasurer, and all other officers and agents neces- Treasurer.
 sary for the performance of the proper business of the corpo-
 ration, and in their discretion to dismiss them, and it shall be
 the duty of the trustees to take from the treasurer a bond, with To give bond.
 one or more sufficient sureties as they shall deem satisfactory
 and proper, conditioned for the faithful and due execution of
 the duties of his office, which in addition to his duties as Duties of.
 treasurer of the board of trustees, shall also consist in receiv-
 ing, and at the end of each quarter regularly accounting for

all moneys paid into his hands by the executive committee of the associated literary branch of the corporation, as provided for in the fundamental articles of said branch, notifying said committee of any deficiency of funds to meet their draft drawn on him, as soon as it occurs.

SECTION 4. The said trustees and their successors, for the purpose of purchasing, erecting or furnishing a suitable room or building for the accommodation of the literary branch of the institute, to be by it occupied, under the restrictions and in conformity to the fundamental articles of association hereinafter prescribed, and subject thereto, are hereby authorized to raise a sum not exceeding two thousand five hundred dollars, by dividing the same into five hundred shares, of five dollars each, to be subscribed for by such persons of lawful age as may be willing to make the investment, which stock shall be paid in such manner and proportions, and at such times as shall be determined on by the trustees: *Provided however*, That in the event of the literary branch of the association neglecting or refusing, for a period of three months, together to provide the funds necessary to discharge the expense of its meetings, as prescribed in section eight of the several fundamental regulations, it shall be the duty of the trustees to withhold the privileges hereinbefore provided for and suspend the meeting, until such fund shall have been provided: *And provided further*, That in the event of the dissolution of the literary branch of the said institute, or in compliance with the instructions of a majority of the stockholders, which shall be ascertained by a vote, in the same manner and number of votes as is provided for in the election of trustees, and at such times as the board, at a regular or adjourned meeting shall direct, it shall be the duty of the trustees to wind up the affairs of the corporation by a sale of the property, the payment of all debts, and a refunding of the surplus to the stockholders or their representatives, and meetings of the stockholders shall at all times be called by the president, at the written request of ten or more members.

Amount to establish literary branch limited.

No. of shares.

Proviso.

Trustees to withhold privileges.

2d Proviso.

On dissolution of branch trustees to wind up.

Duty of.

Refund surplus.

SECTION 5. The said trustees shall procure certificates or evidences of stock for all the shares of said corporation, and shall deliver one or more certificates, signed by the president and countersigned by the treasurer, and sealed with the common seal of the corporation, to each person for the number of shares by him or her subscribed for or held; which certificate or evidence of stock shall be transferable at his or her pleasure in person, or by attorney, duly authorized, in presence of the president or treasurer in a book to be kept for that purpose, subject however to all payments due or to become due thereon, and the assignee thus holding any certificate shall be a member of the said corporation; and for every certificate assigned to him as aforesaid, shall be entitled to such share or

Certificates of stock.

Transferable.

shares as is therein mentioned of the capital stock and the emoluments incident to such shares, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due or to become due on each share, as the original subscriber would have been.

SECTION 6. Dividends of so much of the profits of the corporation, as shall appear advisable to the trustees, shall be declared at least twice a year and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, certified on oath of the treasurer to be correct, and published, but they shall in no case exceed the amount of nett profit actually required by the company, so that the capital stock shall never be impaired thereby. Dividends.
Not to impair capital stock.

SECTION 7. If after thirty days notice in one or more newspapers of the borough of Carlisle, of the time and place appointed for the payment of any portion or instalment of said capital stock, any stockholder shall neglect to pay such proportion or instalment at the time and place appointed for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalment so called for, pay at the rate of three per cent. per month for the delay of such payment, and if the same and additional penalty shall remain unpaid for three months after the date of the public notice given, the same shall be forfeited to such trustees for the use of the corporation, and may be sold to any person willing to purchase: *Provided however*, That the said trustees may at their election recover the amount due by such stockholder or his assignee, together with such penalty as debts of similar amount are by law recoverable. Penalty for neglect to pay instalments.
Proviso.

SECTION 8. That all and every the persons who shall, at the time of the passage of this act, be members of "The Society of Equal Rights, of Carlisle, Pennsylvania," and who shall within two months thereafter signify in writing, in a book to be kept for that purpose by the secretary, their desire to continue their membership, be, and they are hereby declared to be an associated literary branch of said corporation, connected therewith, dependent upon, and under the protection of the board of trustees, in conformity to the following articles of association: Continuation of membership.

ARTICLE I.

This branch shall hereafter be designated by the name and title of "The Literary Branch of the Carlisle Institute." Fundamental articles.

ARTICLE II.

The objects of the literary branch shall be the cultivation of the intellectual faculties, the promotion of morals, and the dissemination of useful information. Objects.

ARTICLE III.

Officers. The officers of the literary branch aforesaid shall consist of a president, two vice-presidents, a secretary and a librarian, all of whom shall be elected quarterly, by ballot, at the first meetings of the association in the months of March, June, September and December, and who, in addition to the duties of their respective stations shall, or a majority of them, be regularly organized into an executive committee, by the appointment of a chairman and financial secretary, whose duty it shall be, when thus organized, to collect all moneys accruing to said literary branch, and pay the same into the treasury of the board of trustees, taking the treasurer's receipt for the same; said committee shall also, under the sanction and authority of the trustees, provide for the current accommodation of said branch and the contingent expenses thereof, by drawing their orders on the treasurer of the board for the amount of the same: *Provided however*, That the said associated literary branch or their committee shall have no power to draw any orders on said treasury, or to contract any debts beyond the actual amount of funds from time to time paid in, and placed to their credit in the books of the treasurer aforesaid.

Election of.

Executive committee.

Duties of.

Proviso.

Not to contract debts beyond certain amount.

ARTICLE IV.

Two-thirds to admit a member. No stockholder or other person shall be admitted a member of this associated literary branch, but by a vote of two-thirds of the members present, nor without he is known and recommended as a person of good moral character, and unequivocally attached to the objects of the association, and each person so admitted shall pay in advance such entrance money and quarterly, and other contributions, as the association by its by-laws may from time to time declare.

Qualification.

ARTICLE V.

Proviso. Any member may be denied the privileges of the association until the payment of all arrearages, and any member may be removed from office or expelled from the association, whose quarterly dues, fines, and other contributions are due and unpaid for three months, for a violation of these articles, or for a breach of trust reposed in him: *Provided*, he is afforded an opportunity of making his defence and of justifying himself from the charges brought against him, an entrance of which on the minutes, for one month previous to any action thereupon, shall be considered as sufficient notice: *And provided further*, That such expulsion shall not exonerate any member from the payment of all demands against him, but said demands shall be recoverable by the board of trustees, as debts of like amount are recoverable by law or under the provisions of this charter.

2d Proviso.

Expulsion not to exonerate from payment of demands.

ARTICLE VI.

Stated meetings of the association may be held monthly or weekly, at such time and place as may from time to time be provided for and enforced by the by-laws; five members constituting a quorum for the transaction of business; and special meetings may be called at any time by the president or executive committee, at the written request of five members.

ARTICLE VII.

By-laws must be proposed at least one month previous to their being acted upon, and a motion to alter or repeal a by-law must lie over for consideration.

ARTICLE VIII.

The association or literary branch shall not be dissolved but by an act of the trustees as hereinbefore provided, while there are five members willing to continue it, and satisfied to pay the sum necessary to discharge the expense of its meetings, neither shall any member be compelled to continue longer than until the payment of all arrearages; *Provided*, He notifies the president of his intention to withdraw.

SECTION 9. This act shall be considered as a substitute for the act entitled "An act to incorporate the Society of Equal Rights of Carlisle, Pennsylvania," which is hereby repealed: *Provided*, That no act or proceeding heretofore had or done under the former law shall be rendered invalid hereby, but that the said trustees herein appointed and their successors may act under the former law, so far as is necessary to change the operations under it to a conformity with this, or in case of this charter not being accepted by the stockholders, that then the said trustees be authorized to bring the affairs of the corporation to a close, by a sale of all its property, and refunding the nett proceeds, after the payment of all debts to the stockholders or their representatives.

SECTION 10. The legislature reserves the right to alter or repeal the charter hereby granted.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 94.]

A N A C T

Authorizing a review of part of the Emlinton and Centreville state road, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same;* That Benjamin Lowe, John Murrin, and John Black, of Butler county, be and they are hereby appointed commissioners to review that part of the Emlinton and Centreville state road which lies between Emlinton in Venango county, and Murransville in Butler county, with power to alter the location of the same, whenever it may be necessary, having due regard to the best ground and nearest distance, so that it shall not exceed an inclination of five degrees.

Commissioners to review part of Emlinton and Centreville road.

SECTION 2. That the said commissioners, or a majority of them, shall proceed to perform the duties enjoined on them by this act on or before the first day of August next, and shall cause a draft of the survey of the said road, as they may locate, to be deposited in the office of the secretary of the commonwealth, and shall also deposite a copy thereof in the office of the clerk of the Court of Quarter Sessions of Venango county, and a copy in the office of the clerk of the court of Quarter Sessions of Butler county, and the road so located shall be to all intents a public highway, and shall be opened and kept in repair in the same way in all respects as other roads are opened and repaired.

Duty of commissioners.

Draft to be filed in secretary's office.

SECTION 3. That the said commissioners, before they enter upon the duties of their appointment, shall take and subscribe before some justice of the peace an oath or affirmation faithfully and impartially to perform the duties herein enjoined on them, and each of the said commissioners shall receive one dollar for each day he shall be necessarily employed in altering and making said road, and in case any of the said commissioners shall perform the duties of surveyor he shall have fifty cents per day in addition, and the said commissioners are hereby authorized to employ two chain-bearers and one axeman, at a per diem allowance not exceeding seventy-five cents. The accounts of the said commissioners for their own pay, and the pay of chain-carriers and axemen, shall be adjusted by the commissioners of the respective counties

Commissioners to be sworn or affirmed.

Pay of commissioners.

through which the said road shall pass, and paid by the treasurers thereof, on warrants drawn in the usual way, in proportion to the length of road in such county respectively.

SECTION 4. That from and after the first Monday of November next, the repairs of that portion of the Cumberland Road which passes through Pennsylvania, shall be under the superintendence and direction of one commissioner, who shall be appointed by the Governor, and shall hold his office for the term of three years, unless sooner superseded, and shall receive for his services three dollars per day, for each and every day necessarily engaged in the performance of his duties.

Accounts of commissioners, &c. how adjusted.

Repairs on Cumberland road to be superintended by a commissioner. How appointed. Pay of.

SECTION 5. That the commissioner so appointed shall previous to his entering upon the duties of his office, give bond to the commonwealth for the faithful performance of the duties of his office in the penal sum of ten thousand dollars, with surety to be approved by the Court of Common Pleas of the county of Fayette or Washington.

Give bond.

SECTION 6. That the said commissioner shall, annually, render to the Courts of Common Pleas of the counties of Fayette and Washington, an account of all the receipts and expenditures on the said road specifying the receipts and expenditures of each county, and said court shall appoint auditors to settle and adjust the amount so rendered by said commissioners, and the amount when so settled and adjusted by said auditors, shall be published in at least one newspaper in each of the counties of Fayette and Washington.

Annual publication of receipts and expenditures.

SECTION 7. That in case the said commissioner shall be dissatisfied with the adjustment of his account by the auditors, so, as aforesaid appointed, he may appeal to the said court, and they shall direct an issue to try the same, if required.

Appeal.

SECTION 8. That the Courts of Common Pleas in and for the counties of Fayette and Washington, shall have power to appoint auditors to settle and adjust the accounts of the present commissioner on said road, up to the time at which their commissions shall expire, in the same manner as prescribed in the sixth and seventh sections of this act.

Court of Common Pleas, power.

SECTION 9. That so much of the act of the fourth of April, eighteen hundred and thirty-one, and also, of the supplement, passed the first of April, eighteen hundred and thirty-five, as is altered or amended by the present act, is hereby repealed.

Commissioner's to view road from Absalom Lewis', Lycoming co. to near Leonard Roub's in Northumberland county.

SECTION 10. That John Montgomery, Thomas Wood, Daniel Buck, of Lycoming county, and Michael Reader, Philip Dimm, of Northumberland county, be and they are hereby appointed commissioners to view, lay out, and mark a state road from Absalom Lewis', in Lycoming county, to or near Leonard Roub's, in Northumberland county.

SECTION 11. It shall be the duty of the said commissioners, or a majority of them, (after having been sworn or affirmed before some justice of the peace, who shall file and preserve

Duty of Commissioners.

the same in his office, to perform the duties enjoined on them by this act with impartiality and fidelity,) carefully to view the ground over which the road laid out by them may pass, and lay out the same on the most suitable and proper ground, and that they shall clearly and distinctly mark upon the ground the route agreed; and for the purpose of fulfilling the duties in this act enjoined, the commissioners herein mentioned, shall receive one dollar and fifty cents for every day they shall be necessarily employed in performing their duties under this act, and the said commissioners are authorized to employ one surveyor at two dollars per day, two chain bearers, and one axeman, at a per diem allowance not exceeding one dollar.

Compensation.

SECTION 12. It shall be the duty of the said commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossings of county and township lines, roads, and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the Secretary of the Commonwealth, on or before the first Monday of November next, and one copy in the office of the clerk of the court of quarter sessions of the respective counties through which said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof.

Draft of road.

Where deposited.

SECTION 13. The accounts of the said commissioners, for when, and by their own pay and for the pay of surveyors, chain carriers, and whom paid. markers shall be adjusted by the commissioners of the respective counties through which said road shall pass, and paid by the treasurers thereof, on warrants drawn in the usual way, in proportion to the length of the road in such county respectively.

Meeting.

Vacancies.

SECTION 14. The said commissioners shall meet on or before the first Tuesday in September next, or as soon thereafter as practicable, at such places as a majority of them may agree upon, and complete the location of said road as soon as practicable, and if any vacancy or vacancies shall happen by resignation or any other cause, the court of quarter sessions of the proper county, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Comm'rs under a former act authorized to complete state road.

SECTION 15. That Samuel Irwin, James Kelton, Abraham Hamor, Harlan Gause, and George Gawthrop, commissioners appointed by and under the act, entitled an act to provide for the repairs and to continue the improvements of the state, and for other purposes, passed the fourteenth day of April, one thousand eight hundred and thirty-eight, to direct the grading of a certain state road in the county of Chester, be and they

are hereby authorized to prosecute the same to completion agreeably to the provisions of said act.

SECTION 16. That so much of the tenth section of the act to which this is a supplement, as requires the auditors of each county through which said road passes, within two years after the monies thereby appropriated shall have been drawn from the State Treasury, to settle the accounts of the commissioners appointed by the said act, be and is hereby so amended that, so far as the auditors of Chester county are concerned; the time therein specified for the settlement of the accounts of the commissioners above named, be and the same is hereby extended for the term of one year.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 95.]

A FURTHER SUPPLEMENT

To an act to authorize the printing and distribution of the pamphlet laws in the German language.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That it shall be the duty of the county commissioners of the several counties of the commonwealth, immediately on the receipt of this act, and annually thereafter, in the month of January, to issue their precepts to the assessors of each township, ward and borough of their respective counties, directing such assessors, in addition to the duties now enjoined on them by law, to receive subscriptions for the pamphlet laws in the German language, which precept of the commissioners shall be accompanied with a copy of this section, and upon the receipt thereof the said assessors shall immediately give notice in at least six written or printed hand-

Duties of Co.
Comm'rs.

Duties of As-
sessors.

bills, put up in the most public places in their respective townships, wards and boroughs, that they are authorized to receive subscriptions for the German pamphlet laws of the present, or any future session of the legislature, (as the case may be,) and shall take such other means as they may deem proper and necessary to insure the subscription of such pamphlet laws; the said assessors shall receive subscriptions for such pamphlet laws from all persons who may signify their desire to have the same, and who shall at the time pay the sum of sixty cents for each copy, by entering their names on a book or paper to be kept for that purpose, on or before the first Monday of May, one thousand eight hundred and forty, and on or before the same day, annually thereafter, and shall within ten days thereafter transmit the said subscription books or papers, or a copy thereof, to the county treasurer of the proper county, together with the sum of fifty cents for each copy subscribed for, who shall enter the same in a book kept for that purpose, and transmit a list of such applicants to the secretary of the commonwealth without delay, in the same manner as if such applicants had entered their names in a book kept for that purpose, by such treasurer; and the said assessors shall retain ten cents, paid by each subscriber, as a compensation for their trouble in procuring the said subscriptions.

Subscription price.

Duties of Co. treasurer.

Assessors per centage.

Pamphlet laws how printed, delivered, &c.

SECTION 2. That the pamphlet laws authorized to be subscribed for by the preceding section, shall be printed, folded, stitched, delivered and accounted for in the manner provided for by the resolutions for the further distribution of the pamphlet laws of this commonwealth, passed the second day of March, one thousand eight hundred and twenty-seven.

Duties of sec. retary of com. monwealth.

SECTION 3. That the secretary of the commonwealth shall, immediately after the passage of this act transmit a copy of the first section thereof, by mail, to the respective county commissioners of each and every county in the commonwealth.

To contract for printing 1200 copies in German language.

SECTION 4. That the secretary of the commonwealth is hereby authorized and requested to contract for the printing of twelve hundred copies of the pamphlet laws of the present session of the legislature in the German language, in the manner provided for by an act to authorize the printing and distribution of the pamphlet laws in the German language, passed twenty-first of January, one thousand eight hundred and thirty-seven, and the first section of the supplement thereto, passed April fourth, one thousand eight hundred and thirty-seven; *Provided*, That the price of paper, printing, and translating the same shall not exceed three cents per sheet for each copy; and the price of folding, stitching, and delivering thereof shall not exceed four and a half cents per copy, and so much of any act or resolution as is hereby altered or supplid

Price of printing, &c. limited.

be, and the same is hereby repealed. And that the said secretary shall contract for the printing of the same number of copies of such pamphlet laws of each subsequent session of the legislature, to be printed and furnished, as above directed, at a rate not to exceed the price and cost above mentioned; *Provided*, That if more than twelve hundred copies should be subscribed for, that the secretary shall be hereby authorized to pay such additional prices as will not exceed the rates for additional copies of similar work ordered by the legislature.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The thirty-first day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 96.]

A SUPPLEMENT

To an act, entitled "an act to authorize the governor to incorporate a company to erect a bridge over the northeast branch of the Susquehanna river, at or near the village of Athens, in the county of Bradford.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That so much of the eleventh section of the act to which this is a supplement, passed the 17th day of April, 1827, as limits and establishes the rates of toll to be demanded and received by the said company be and the same is hereby repealed, and the said company, their successors and assigns, may demand and receive the same tolls as are now, by law, demanded and received by the company for erecting a bridge over the Susquehanna river, at the borough of Towanda, in the county of Bradford.

Repeals section relative to tolls.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini, eighteen hundred and forty.

DAVID R. PORTER.

[No. 97.]

A N A C T

To incorporate the Adams County Mutual Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Thaddeus Stevens, William M'Clellan, Michael C. Clarkson, John F. M'Farlane, James D. Paxton, Samuel H. Buehler, Henry Shriver, Joseph A. Shorb, and George Smyser, be, and they are hereby appointed commissioners for receiving subscription to the stock of a company, to be called the Adams County Insurance Company, and shall open a book for that purpose in the borough of Gettysburg, and also in the town of Littlestown, in said county, at a time and place by them to be appointed, of which they shall give not less than two weeks notice, in at least two newspapers in said county; and the said book shall be kept open at the respective places aforesaid for five successive days, between the hours of ten and two o'clock of said days, and shall keep open said books until such a number of shares is subscribed to the capital stock of said company as is necessary for its incorporation; and all persons of lawful age, being citizens of the United States, companies and corporations shall be permitted to subscribe to the said stock; *Provided,* That every person offering to subscribe shall, previously, or at the time of subscribing, pay to the attending commissioners two dollars and fifty cents for every share so offered to be subscribed for; out of which shall be defrayed the expenses of taking such subscriptions, and the residue shall be paid to the treasurer of the corporation. When organized, the capital stock of said company shall be fifty thousand dollars, divided into shares of twenty-five dollars each.

Commissioners. To open a book to receive stock. Time & place Notice. Who may subscribe. \$2.50 to be paid on each share at time of subscribing. Capital stock \$50,000.

SECTION 2. That when two hundred and fifty shares in the capital stock aforesaid shall have been subscribed, the said commissioners, or a majority of them, shall certify to the Governor under their hands and seals the names of the subscribers, and the number of shares by them subscribed, respectively, and the Governor shall forthwith by letters patent, under his hand and the seal of the state, erect and create the subscribers into a body politic and corporate, in deed and in law, by the name, style and title

Commissioner's to certify to governor. Letters patent may issue.

of the Adams County Insurance Company, by which name the Name.
 said subscribers shall have perpetual succession, and be able
 to sue and be sued, plead and be impleaded in all courts of re-
 cord and elsewhere, and to purchase, have, hold and enjoy to Liberties and
 them and their successors, lands, tenements and hereditaments, franchises.
 goods, chattels, rights and credits, stocks and securities, of
 what nature, quality or kind whatsoever, and the same from
 time to sell, demise, grant, alien and dispose of; *Provided*,
 That the said company shall hold only such real estate as ^{Real estate}
 shall be necessary for its accommodation in the transaction of limited.
 business, or such as shall have been in good faith mortgaged to
 it by way of security, or conveyed in satisfaction of debts pre-
 viously contracted in the course of its dealings; or purchased up-
 on judgments which shall have been obtained for such debts, or
 purchased at sales on judgments of any other person, or body
 politic, when the purchase thereof may be necessary to secure
 any debt due to the company; and the said company shall
 have authority to make and use one common seal, and the Seal.
 same to break, alter and renew at pleasure; and also to or-
 dain, establish and enforce such by-laws, ordinances, and re- By-laws.
 gulations as shall be deemed necessary and convenient, not
 being contrary to the constitution or laws of the United States
 or of this state, and generally to do all and singular the matters
 and things which to them shall lawfully appertain to do, for
 the welfare of the said corporation, and the management and
 ordering of the affairs thereof.

SECTION 3. That the capital stock of the company shall be Capital how
 held by the proprietors thereof, on the following terms, that is paid in.
 to say, each subscriber shall within two weeks, after public
 notice given in any two of the newspapers printed in the bo- Notice.
 rough of Gettysburg, pay or cause to be paid to the officers of
 the corporation, designated in such notice, the amount of the
 shares so subscribed, in such sum or sums, and at such time
 or times, as the president and directors shall in their discre-
 tion direct and appoint, and if any subscriber his, her, or their
 assignee, shall refuse or neglect to pay any instalment called Penalty on
 for, as aforesaid, such subscriber, his, her, or their assignee, refusal to pay
 shall forfeit each and every share to said company on which instalment.
 the payment shall not be duly made, and all moneys paid or
 profits accrued therefrom; *Provided*, That such notice shall ^{Provided}
 have been advertised, as aforesaid, for three weeks in succes-
 sion, and new subscriptions may be opened and received for
 the share or shares so forfeited, at the discretion of the direc-
 tors of said corporation.

SECTION 4. That for the proper management of the affairs
 of the said corporation there shall be nine directors, who shall Directors.
 be citizens of this commonwealth and stockholders of said
 corporation, who shall be elected annually on the first Mon- Annual elec-
 day in May, by the stockholders, at their stated meetings for tions.

Votes.	that purpose assembled; each share being entitled to one vote, but no number of shares shall entitle any stockholder to more
Notice of meeting.	than ten votes; of which stated meeting public notice of the time and place of holding the same shall be given, in at least two of the newspapers in the borough of Gettysburg, not less
Directors to choose president.	than two weeks previous to holding the same, and the directors, at their first meeting, shall choose one of their number as president; but in case it should happen, at any time, that an election for directors should not be made upon the day when,
Corporation shall not be dissolved in case of neglect	pursuant to this act, it ought to be made, the corporation shall not, for that cause, be deemed to be dissolved; and it shall be
May elect at another time.	lawful, on any day within thirty days thereafter, to hold and make an election of directors, in such manner as shall be regulated by the laws of the corporation, and in case of the
Vacancy.	death, resignation, or inability of the president or any director, the vacancy shall be supplied by the board of directors for the term they were elected to serve: <i>Provided</i> , That the first
First directors	nine persons hereinbefore named, in the first section of this act, shall be the first directors, and the business of the said corporation shall be done and transacted at such place in the borough of Gettysburg, as shall be designated by a majority of the directors present at any regular meeting of the board, and said board shall continue in office until the first Monday in May, in the year of our Lord, one thousand eight hundred
Successors.	and forty and until their successors shall be duly elected under the provisions of this act; and every board of directors duly elected, shall hold their respective offices for one year and until others are chosen, and no stockholder shall vote at any election for directors, (except the first,) unless the share or shares, on which he, she, or they may claim to vote shall have been standing, in his, her, or their name, on the books of the company, for at least three months previous to the election.
Who may vote.	

SECTION 5. That the capital stock and funds of the company may, by the president and directors thereof, from time to time, be invested in the public stock of the United States or of this state, or in the stock of any incorporated city within this commonwealth, or may be loaned on real or personal security within the state of Pennsylvania.

SECTION 6. That the directors of the said company shall have full power and authority to sell, dispose of, and transfer all or any of the public or other securities, stock, or evidences of debt in which the capital stock and funds of the company shall be invested, and the proceeds of any such sales or transfer to re-invest in any sureties or stocks, or loan on real or personal security as aforesaid, as may be deemed expedient: *Provided*, That nothing herein contained, shall be construed to authorize the said company to use their funds for banking purposes.

SECTION 7. That the president and directors of the said corporation, for the time, being, shall have power to appoint a secretary, treasurer, and such other officers and agents as shall be necessary for conducting the business of the said corporation, and to allow them a reasonable compensation for their services at their discretion, and generally to exercise all other powers and authorities, for the proper management and direction of the affairs and funds of the said corporation, and especially shall have power to prevent the transfer of any stock while the holders thereof are indebted to the company. The secretary, treasurer, and other officers, to give such security as the president and directors may require.

Officers.
Compensation
Directors may
prevent trans-
fer.
Security.

SECTION 8. That the president and managers of said company shall have full power, on behalf of said corporation, to make insurances against losses by fire, on any house, tenement manufactory, or other building, and on goods, wares, merchandize, and effects therein, and on hay, grain, and on other agricultural products in barns, stacks, or otherwise, and generally on all kinds of buildings and of goods, merchandize, stocks, and effects upon farms or elsewhere, in the county of Adams, and to make, execute, and perfect such and so many contracts, bargains, and agreements, policies and other instruments as shall and may be necessary, and as the nature of the case may require, and every such contract, bargain, agreement, and policy, to be made by the said corporation, shall be in writing or in print, and shall be under the seal of the corporation, signed by the president and attested by the secretary or other officers, who may be appointed by the president and managers for that purpose, and also by the party insured.

Insurances.
Contracts pol-
icies, &c.

SECTION 9 That the president and directors shall, on the first Monday of May and November in each year, declare a dividend of so much of the profits of the corporation, as to them shall appear advisable, to be paid to the respective stockholders, agreeably to such regulations as the said president and directors may adopt, but the moneys received as premiums on risks, which remain undetermined and outstanding at the time of declaring the dividends respectively, shall not be computed as any part of the profits of said corporation.

Dividend.

SECTION 10. That in case any losses shall happen, by which the capital stock shall be diminished, no dividend shall be made until the amount of such diminution shall be supplied and added to the capital, and any president or director who shall declare any dividend, contrary to the foregoing prohibition, shall be liable, in his individual capacity, to the said company for the amount of the stock or dividend so divided or declared, and each director present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, which the secretary is hereby required to record, under the

Dividends
prohibited in
certain cases.
Penalty.
Protest.

penalty of three hundred dollars, to be for the use of the corporation, and such dissenting director shall give public notice thereof, to the stockholders.

Repealing
clause.

SECTION 11. That the legislature reserves the right to revoke, alter, or annul all or any of the provisions of this act, at any time, when, in their opinion, the public interest shall require it, in such a manner, however, as no injustice shall be done to the corporators.

WM. HOPKINS,
Speaker of the House of Representatives.
W. T. ROGERS,
Speaker of the Senate.

APPROVED—The thirty-first day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 98.]

AN ACT

Appointing commissioners to lay out a state road from Emlinton, in Venango county, to Callensburg, in Armstrong county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:* That John L. Porter, Charles H. Haas, James F. Agnew and Henry Alexander, or any three of them, be, and they are hereby appointed commissioners to view and locate a state road from Emlenton in Venango county, to Callensburg in Armstrong county, by the Bullock's Ford, with power to locate and fix said road; and when they shall have reviewed and located said road, it shall be their duty to make out a correct plot or draft of said road, designating the lines thereof, and deliver the said plot or draft to the recorder of the county of Venango, and the said commissioners shall be entitled to receive two dollars per day for every day necessarily employed in said location, to be paid by the treasurers of the counties of Venango and Armstrong, on the order of the commissioners of said counties.

SECTION 2. That the time limited for the completion of the Flat Rock and Flat Rock and Manayunk turnpike road, be, and is hereby extended to the tenth day of April, one thousand eight hundred and forty-three. Manyunk turnpike road.

WM. HOPKINS,
Speaker of the House of Representatives.

W. T. ROGERS,
Speaker of the Senate.

APPROVED—The first day of April, eighteen hundred and forty.

DAVID R. PORTER.

[No. 99.]

A SUPPLEMENT

To the act, passed the twenty-ninth day of March, Anno Domini, one thousand eight hundred and twenty-four, entitled an act to prevent the destruction of timber, and supplementary to the act, entitled an act to prevent the damages which may happen by firing woods; passed the eighteenth of April, one thousand seven hundred and ninety-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That all and singular the penalties and provisions of the three first sections of the act, passed the twenty-ninth day of March, one thousand eight hundred and twenty-four, entitled “an act to prevent the destruction of timber,” and supplementary to the act, entitled “an act to prevent the damages which may happen by firing woods,” passed the eighteenth day of April, seventeen hundred and ninety-four, shall be, and they and they are hereby made applicable to any person or persons who shall purchase or receive any timber, tree or trees, knowing the same to have been cut or removed from the lands of another person without the consent of the owner or owners thereof: or who shall purchase or receive any planks, boards, staves, shingles or other lumber made from such timber, tree or trees so, as aforesaid, cut or removed, knowing the same to have been so made; and in all cases of suits brought before a Justice of the Peace under the third section of the twenty-ninth day March, Penalties in former acts made applicable to purchasers or receivers, &c. of stolen timber.

Proceedings before Justices, under act of 1814

eighteen hundred and twenty-four, to which this is a supplement, against any person or persons for purchasing or receiving such timber, tree or trees, or lumber made therefrom, and the defendant shall offer to make oath or affirmation, agreeably to the second section of the act of the twenty-second of March, eighteen hundred and fourteen, that the title of land will come in question, the same course of proceeding shall be had, as is provided in and by the tenth section of the act of the eighth day of April, eighteen hundred and thirty-three, entitled an act relative to the supervisors in Loyalsock township, in Lycoming county, and collectors in certain townships in Fayette county, and for other purposes.

And

Act of 1833.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The first day of April, eighteen hundred and forty.

DAVID R. PORTER.

[No. 100.]

A N A C T

To enable Samuel Murdock, Isaac Reeves, and John Black, to connect Hog Island, in the county of Delaware, with the main land.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority*

Hog Island, how connected with the main land.

Proviso. Not to obstruct passage of Shallops, &c.

of the same: That Samuel Murdock, Isaac Reeves, and John Black, their heirs and assigns be, and they are hereby authorized and empowered to connect Hog Island, in the river Delaware, in the county of Delaware, with the main land at the termination, and in a line with the road called the Hog Island road, by the erection of a free bridge, built upon posts or abutments; *Provided,* That an aperture of not less than twenty-five feet in width, and of a height not less than eight feet above high water mark, shall be left in said bridge over the main channel of the stream, which aperture shall at all

times be kept free from obstructions, so as to admit the passage of shallops and other craft of suitable dimensions.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The first day of April, eighteen hundred and forty.

DAVID R. PORTER.

[No. 101.]

AN ACT

To annul the marriage contract of William Drayton and Anne his wife

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the marriage contract entered into by, and between William Drayton and Anne his wife, late Anne Briggs, be, and the same is hereby annulled and made void, and the said parties released and discharged from the said contract, and from all duties and obligations arising therefrom, as fully, effectually and absolutely, as if they had never been joined in marriage.

Marriage annulled.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The first day of April, eighteen hundred and forty.

DAVID R. PORTER.

[No. 102.]

A N A C T

To incorporate the Independent Church of Gettysburg; and for other purposes.

SECTION 1: *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the members now composing the "Associate Reformed Church of Gettysburg," in the county of Adams, be and the same are hereby created into one body politic and corporate in deed and in law, by the name style and title of the "Independent Church of Gettysburg," and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere; and the trustees of said congregation elected as hereinafter is directed, shall be able and capable in law and equity, to take and hold to them and their successors, for the use of said church and congregation, lands, tenements, goods, and chattels of whatever kind, nature or quality, real personal or mixed, which is now, or shall hereafter become the property of said church or congregation, by gift, grant, bargain, sale, conveyance, assurance, will, devise, or bequest, from any person or persons, whatsoever, capable of making the same; and the same to grant, bargain, sell, mortgage or dispose of, for the use of the said church and congregation, in such manner as may be directed by the majority of the congregation, that may be present at any meeting to be held for that purpose, of which said meeting at least two weeks notice shall be given from the pulpit or clerk's desk, or in any other way a majority of the trustees may direct, and generally to do all and singular the matters and things which shall be lawful for them to do for the well being and due management of the affairs thereof; *Provided*, That the clear yearly value or income shall not at any time exceed two thousand dollars; *And provided also*, That the seal of the corporation shall not be affixed to any conveyance of its real estate, unless such sale or transfer be approved at a meeting of the congregation, held after two weeks notice of the same shall have been given as aforesaid, and upon two thirds of the members present at such meeting approving of the sale and conveyance as aforesaid; the said trustees shall affix the corporate seal of the said

Church created.

Name.

Powers and privileges, how and by whom exercised.

Proviso.

Income limited.

2nd proviso.

Conveyance, how made.

church to a conveyance of the said real estate, and the same shall be valid in law.

SECTION 2. The trustees of said church and congregation ^{Trustees,} shall be six in number, and until others shall be elected shall consist of the following named persons, viz: John Brown, Samuel S. M'Creary, William Young, Alexander Caldwell, William Thompson, and Robert Conover, who shall continue in office until the first Tuesday in November, in the year of our Lord one thousand eight hundred and forty, and on that day, ^{Annual elec-} and on the same day annually thereafter, the male members of ^{tion.} said congregation shall, at any general meeting thereof, of ^{Notice.} which notice shall be given as aforesaid, elect by ballot six persons to serve as trustees for the ensuing year, and until other trustees shall be elected, or appointed. If vacancy by death, ^{Vacancies.} resignation or otherwise, shall happen in the office of trustees, the remaining trustees may appoint others to supply such vacancy or vacancies, to serve until the next election.

SECTION 3. The said trustees or their successors shall have full power to enact and enforce such by-laws and ordinances, ^{By-laws.} as they shall think proper for the regulation and transaction of the business of the said congregation, and to make, have, and use a common seal, and the same to break, alter or renew at ^{Seal.} their pleasure; and if the said congregation neglect on the day of the annual meeting to hold their election, the corporation shall not be dissolved, but a majority of the trustees may appoint any subsequent time on which the election may be held: ^{Subsequent election.} *Provided*, That notice thereof be given from the pulpit or clerk's desk, or in such other manner as a majority of the trustees may think proper to direct, at least two weeks before said ^{Proviso.} election: ^{Notice.} *And provided also*, That the said by-laws and or- ^{2nd proviso.} dinances shall not be inconsistent with the provisions of this act, or with the constitution and laws of this state, or of the United States.

SECTION 4 All the rights, powers, and immunities now and heretofore enjoyed by, and belonging to the "Associate Re- ^{Property un-} formed church of Gettysburg, in the county of Adams," in ^{der former} regard to any property real, personal, or mixed, are hereby con- ^{name confirma-} tinued and confirmed to the "Independent church of Gettys- ^{tion.} burg," as fully as if no change in their act of incorporation had been made.

SECTION 5. That the act entitled an act to incorporate the ^{Act incorpo-} borough of Williamsburg, in Huntingdon county, passed the ^{rating boro'gh} nineteenth day of February, Anno Domini, one thousand eight ^{of Williams-} hundred and twenty-eight, be and the same is hereby repealed. ^{burg, Hunt-} ^{ington co. re-} ^{pealed.}

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

[We do hereby certify, that the bill, entitled an act to incor-

porate the Independent church of Gettysburg, and for other purposes, was presented to the Governor, on Wednesday the 18th day of March instant, has not been returned within ten days, Sundays excepted; wherefore it has, agreeably to the constitution of this commonwealth, become a law, in like manner, as if he had signed it.

J. SEILER,

Clerk of the House of Representatives.

H. BUEHLER,

Clerk of the Senate.

HARRISBURG, March 31st, 1840.]

[No. 103.]

A N A C T

To incorporate a company in the borough of Bedford, to be called the United States Fire company of Bedford.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Lewis W. Smith, George D. Shuck, John

Corporators.

H. Hofius, jr. John Mower, Solomon Filler, Alexander King, John Funk, Joseph Ottinger, Joseph Filler, William C. Logan, B. F. Mann, James Reamer, and S. L. Russell, and such other persons as now are, or may hereafter become members, shall be, and they are hereby created and declared to be one body politic and corporate, by the name, style and title of the United States Fire company of Bedford, and by the same name shall have perpetual succession, and be capable in law to sue and be sued, plead and be impleaded, defend and be defended in any court of record and elsewhere, and to make, have and use one common seal, and the same to alter and renew at pleasure, and generally to do, perform and execute all and every matter and thing which to them it shall or may appertain to do, for the well-being of said corporation.

Name.

Seal.

Meetings.

By-laws.

SECTION 2. That the said incorporated company shall assemble and meet at such times and places as they now have, or hereafter may agree upon, to ordain, establish, and put in execution all such by-laws, ordinances, rules and regulations

as shall be necessary and proper for the government of said corporation, not being contrary to this charter, the constitution and laws of the United States, or of this commonwealth, and also to purchase, have, receive, possess, enjoy and retain to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels, of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time to sell, grant, devise, alien or dispose of, in such manner as they may judge proper; *Provided*, That the said corporation or body politic shall not at any one time hold or possess property, real, personal or mixed, exceeding in value the sum of seven thousand dollars. Liberties and franchises.
Proviso.
Possessions limited.

SECTION 3. The following shall be the fundamental articles of said company.

ARTICLE 1.

The name and title of this company shall be the United States Fire company of Bedford. Name.

ARTICLE 2.

The object of this company shall be the extinguishment of fires. Object.

ARTICLE 3.

The officers of the company shall be a president, treasurer, secretary, and board of directors, [whose number shall be fixed by the company,] who shall be annually elected by ballot at the stated meeting in May, and the duties of the aforesaid officers shall be particularly enumerated in the by-laws; *Provided always*, That vacancies occasioned by death or otherwise may be supplied at any time, upon due notice thereof given to the said company by the president, or, in his absence, by the secretary. Officers.
Vacancies.

ARTICLE 4.

Stated meetings shall be held at least quarterly, and special meetings at such times as the by-laws may direct. Eleven members shall constitute a quorum, and a majority of those convened shall govern, except in the alteration or adoption of by-laws, when the concurrence of two-thirds of the members present shall be required, and the matter shall be proposed at a previous stated meeting. Stated meetings.
Quorum.

ARTICLE 5.

Members shall be elected by ballot, and the votes of two-thirds of the members present shall be required for their admission. Membership.

ARTICLE 6.

Each member shall be liable to such fines and contributions as the by-laws may prescribe, and his resignation of membership shall not be accepted until his dues and fines are paid or remitted. Fines.

ARTICLE 7.

Removal and expulsion. Any members may be removed from office or expelled from the company for neglect of duty or violation of the by-laws, by a vote of two-thirds of the members present.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The third day of April, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 104.]

A N A C T

To incorporate the "Hellertown Company for the insurance of the lives of Horses, and the detection of horse thieves."

Insurance
company cre-
ated.
Name.

Possessions
limited.

Annual elec-
tion.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the persons who have associated themselves into a horse insurance company, in the county of Northampton, by the name of the "Hellertown Company for the detection of horse thieves;" with such members as shall hereafter be admitted members thereof, in the manner provided by the by-laws of the company, shall be, and they are hereby created and made a body politic and corporate, by the name style and title of the "Hellertown Company for the insurance of the lives of horses, and the apprehension and detection of horse thieves;" and they and their successors are hereby ordained and declared a body politic and corporate, in fact and in law, with all the legal incidents to a corporation aggregate; *Provided,* That the said company shall have power to hold real and personal estate to an amount not exceeding two thousand dollars.

SECTION 2. That on the first Saturday in January next, and on the first Saturday in January, in every year thereafter, the members of the said company shall convene for the election of directors of said company, who shall continue in office

for one year, and until successors shall be duly chosen, and in the event of a failure to elect on the day herein appointed, the election shall be held as soon thereafter as practicable, giving at least ten days notice of the time and place of election, and that until the first election hereby authorized, and until successors shall be chosen as herein directed; Samuel Hess, Joseph Riegel, Jacob Wagner, Isaac Ott, John M. Riegel, Joseph Hess, Joseph Elrhart, Jacob Lerch, Isaac Boyer, Richard Freeman, David Lerch, George Roth, John Woodring, shall be directors of said company, with power to transact all business enjoined upon them by this act, or by the laws of the company. Notice.

SECTION 3. That a general meeting of the company shall be held, whenever called by the board of directors, or a majority of them, or whenever requested by any ten of the members, and the members shall at their general meeting pass all by-laws, rules, and regulations necessary for the proper government of the affairs of the company, or vest the power so to do in the board of directors, whenever it shall be deemed advisable so to do, and all elections shall be by ballot, each member being entitled to one vote, to be conducted by three judges, to be chosen by the members present at the election, who shall certify under their hands the result of said election, to be filed with the papers of the corporation, the directors for the time being, shall choose one of their members for president, and also a treasurer and secretary, and shall have power to remove or displace a treasurer, and to supply any vacancy which may happen by death or resignation, or removal, either in the board of managers, or in the officers of the company, (until the next election,) and the company shall have the power to elect such other officers as they may deem necessary; and to pass all by-laws, rules and regulations necessary to carry into effect the object of this act, not contrary to this act, or the constitution and laws of this commonwealth, and each member of the company shall be liable to contribute equally to the payment of all losses and expenses of the company, and the rates of contributionship shall be settled by the board of directors; after which the treasurer shall proceed to collect the amount due from each member of the company, and the said treasurer, or the directors, or a majority of them, shall have power to bring suit in the name of the said company, for all sum or sums due from its members, for fines or otherwise. General meeting.
ing.
By laws.
Elections how held.
President, &c.
Vacancy.
Officers.
By laws.

SECTION 4. The said company hereby incorporated, shall have full power and authority to use one common seal, and to alter and renew the same at pleasure; and shall be able to sue and be sued, plead and be impleaded, in all courts of record or elsewhere, and shall do all and singular the matters and things

which shall be lawful for them to do, for the well being of the said company.

Repealing
clause.

SECTION 5. The legislature reserves the power to alter, revoke or annul the privileges and charter hereby granted, whenever in their opinion, the same may be injurious to the citizens of the commonwealth.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The third day of April, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 105.]

A N A C T

To incorporate the town of Edinboro, in the county of Erie, into a borough.

Borough
created.

Boundaries.

Name and
style.

Annual elec-
tion.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the town of Edinboro, in the county of Erie, and territory included within the following boundaries, to wit: beginning at the south-east corner of tract number four hundred and twenty-nine; thence west along the south line of said tract three hundred and twenty perches, to the south-west corner of said tract; thence north along the west line of said tract two hundred and fifteen perches, to the north-west corner of said tract; thence east along the north line of said tract three hundred and twenty perches, to the north-east corner of said tract; thence south along the east line of said tract two hundred and fifteen perches to the place of beginning, is hereby erected into a borough, which shall be called, and styled the borough of Edinboro.

SECTION 2. That the inhabitants of said borough entitled to vote for members of the general assembly, having resided therein one month immediately preceding the election, shall

on the third Friday of April next, and annually thereafter, on the same day which now is or hereafter may be fixed by law for the election of constable and other township officers within this commonwealth, meet at the school house in said borough, and then and there between the hours of eight o'clock in the forenoon, and seven o'clock in the afternoon, elect by ballot, one of the citizens who shall be styled the burgess of said borough, and four other citizens to be styled the town council, one assessor and two assistant assessors of the county rates and levies, the necessary school directors as provided by law for a school district, and three auditors of the public accounts of the said borough, which election shall in all respects be conducted in the same manner as is provided for the election of township officers within this commonwealth, except that the certificates of the election of burgess, town council and auditors, shall be filed among the records of the corporation: *And provided*, that in case of the death, resignation, removal, or refusal to accept of any of said offices, the vacancy may be supplied by a new election, in all cases where by the existing laws there is not provision made for supplying vacancies by appointment: *And provided further*, that for the first election to be held under this act, it shall be the duty of Abel Whitney, Henry R. Terry, George M. Sisson, any one of them to give notice, and perform all the duties enjoined upon constables by the existing laws relative to township elections, and in case no election shall be held on the first day mentioned, they shall appoint some other day and perform the said services, but previous to opening of such election, such of the citizens entitled to vote as aforesaid, as may be present at the time and place of opening the same, shall choose one judge and two inspectors, and two clerks thereof, who shall be sworn or affirmed in the same manner as is provided by law for swearing or affirming election officers, and they shall perform the duties required of them by law relative to township elections.

Burgess,
council, assess-
sors, school
directors and
auditors.

How held and
conducted.

Proviso.

2d Proviso.

Notice.

Judge, inspec-
tors & clerks.

SECTION 3. That the burgess shall be president of the council, and shall have and exercise all the rights and privileges of a member thereof in every respect.

President.

SECTION 4. That the burgess and town council shall meet on the first Monday next succeeding their election, in each year, and as often thereafter as occasion may require; three members shall constitute a quorum to do business, and the proceedings of a majority of a quorum when there is one formed shall be valid; they shall have power in the absence of the burgess to elect a president pro tem., who shall in the case of death, resignation, refusal to accept or to act, or inability of the burgess to attend, perform all and every duty enjoined on the burgess, the burgess, or in his absence the president pro tem., shall have power to call special meetings of

Annual meet-
ing.

Quorum.

President pro
tem.

Special meet-
ings.

the council; but in all cases of special meetings personal notice shall be given to every member, unless absent from the borough; the burgess and members of the town council shall in all cases continue to hold and exercise the duties of their respective offices, until their successors shall be duly elected and qualified.

Penalty on neglect or refusal to execute office.

SECTION 5. That if any person duly elected burgess or member of the town council, and having received notice thereof as directed by this act, shall refuse or neglect to take upon himself the execution of the office, to which he shall have been elected, or having taken upon himself such duties shall neglect to discharge the same according to law, every such person so refusing or neglecting shall for every such offence forfeit and pay the sum of ten dollars, and every other officer elected or appointed by virtue of this act, or the by-laws or ordinances of the town council aforesaid, who shall refuse or neglect to take upon himself the execution of such office, or having accepted the same, shall refuse or neglect to perform the duties thereof, shall for every such refusal or neglect pay a fine of not exceeding five dollars, at the discretion of the burgess, which fines, and all other fines that may be incurred under this act, or any of the by-laws or ordinances of the town council, shall be for the use of said corporation, and shall be recovered in the name of the burgess and town council of the borough of Edinboro, as debts of like amount are recoverable by law: *Provided*, That no person shall be compelled to serve more than one year in any term of three, and that the payment of a fine shall be equivalent to a service of one year in any office: *And provided further*, That nothing herein contained shall be construed to exonerate any constable or other officer from the payment of any fine or penalty imposed by the existing laws, or that may hereafter be enacted for refusing to serve in such office.

Proviso.

2d Proviso.

Oath or affirmation.

Burgess may administer oaths, &c.

SECTION 6. The burgess shall take and subscribe an oath or affirmation, before one of the judges of the court of Common Pleas, or a justice of the peace of the said county of Erie, to support the constitution of the United States and of the state of Pennsylvania, and an oath or affirmation to execute the office of burgess of the borough of Edinboro with fidelity, and when so qualified he shall administer an oath or affirmation to each of the members of the town council, high constable, town clerk, clerk of the market, (if one shall be appointed) and such other officers as shall be appointed or elected under this act, or any by-law or ordinance of said borough, before they shall enter upon the duties of their respective offices, which oath or affirmation so taken and subscribed shall be filed among the records of said corporation.

SECTION 7. That from and after the third Friday in April next, the burgess and town council duly elected, and their

successors, shall be one body politic and corporate, by the name and style of "the burgess and town council of the borough of Edinboro," and shall have perpetual succession, and the said burgess and town council, and their successors, shall be capable in law to have, receive, hold and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of two thousand dollars; and also to grant, sell, let and assign the same, and shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law in this commonwealth, in all manner of actions whatever, and to have and to use one common seal, and the same from time to time at their will to change and alter.

Liberties and franchises.

Income limited.

SECTION 8. That the town council shall have power to pass By-laws. and enact by-laws, rules, regulations, and ordinances as they may determine necessary to promote the peace, good order, and general welfare of the inhabitants, and well being of the said borough, and for the purpose of improving and keeping in good order the streets, lanes, alleys, public squares, and common grounds, land, wharfs, landings, or other property whatsoever, that has heretofore, at any time, been granted to the use of the citizens of Edinboro, or that may hereafter be granted to the use of the corporation, and for removing nuisances and obstructions therefrom, and the same to alter, make anew, or annul, as the occasion may require, and also to assess, levy, and collect, and appropriate such taxes as shall be necessary to carry their rules and ordinances into effect, and to make all necessary contracts and engagements for the same purpose: They shall have the same authority, in obtaining materials for improving the streets, lanes, alleys, landings, wharfs, and public grounds, as the supervisors of the highways, within this commonwealth, have, and for neglect of their duty, in keeping the same in good order, they may be proceeded against, by indictment in the court of quarter sessions of said county, and be subject to the like fines and penalties, as the supervisors are, for any neglect of duty in relation to keeping the public highways in good order: They shall annually appoint a town clerk, treasurer, collector of taxes, clerk of the market, when necessary, and such other offices as they may deem expedient, and the same to remove at pleasure; the officers to be appointed by the council shall be allowed such compensation as the council may fix and agree on, but the members of the council themselves, shall not be entitled to any compensation for their services as members of the town council: The council may remit any fines or penalties that may be incurred under this act, or any of the by-laws or ordinances, when, in their judgment, it may be proper so to do, except any fine or penalty that may be imposed upon them by the court of quarter ses-

By-laws.

Taxes.

Improvements
Authority to
make.

Neglect of duty
how punished.

Clerk and other
officers.

Compensation

Remit fines.

Proviso. sions of the county for neglect of duty : *Provided*, No by-law, rule, regulation, or ordinance of the said corporation, shall be repugnant to the constitution and laws of the United States, or of this commonwealth ; and that no person shall be subjected to any fine or punishment for a violation of any by-law or ordinance of the said borough, until after six days shall have expired, after the promulgation thereof, by at least four copies of the same put at the most public places within the said borough, and signed by the president or president pro tem., and attested by the town clerk. It shall be the duty of the burgess to cause all the by-laws and ordinances of the council to be carried into effect, and to do and perform all such other services, as may be enjoined on him by the same.

Duty of Burgess. **SECTION 9.** That it shall be the duty of the burgess to issue his warrant to the collector, as often as occasion may require, commanding him to collect the taxes assessed by the town council, a list or duplicate of which, shall be made out and delivered to said collector, and to pay the same to the treasurer ; and the said collector shall have the power and authority in the collection of said taxes, as the collectors of county rates and levies, and may be proceeded against in the same manner that county treasurers or county commissioners are authorized, by law, to proceed against the collectors of county taxes, when they neglect to collect or pay over the amount of taxes in their duplicates according to law : *Provided*, That the town council may hear any complaint in relation to the assessment of the said taxes, and grant such relief as shall seem best at any time, and also exonerate the collector from the payment of any tax that may be impracticable to collect, and in all cases of any tax assessed upon any vacant or unseated lot within said borough, and the taxes remain unpaid, it shall be lawful for the collector to certify the same to the county commissioners of Erie county, in the same manner as supervisors of the roads are authorized by law to return road taxes on unseated lands, and the county treasurer shall, in the like manner, collect the said taxes, or sell and convey the lot or lots for the payment of the same, and pay the money out of the treasury of the borough, common school, or to whatever it may belong.

Warrant to collect taxes. List.

Power of collector.

Proviso.

Lots sold for taxes.

Duty of clerk. **SECTION 10.** That it shall be the duty of the town clerk to attend all meetings of the town council, when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the corporate seal and records of the corporation and be answerable for the same, and also for the faithful discharge of all the duties which may be enjoined upon him by this act, or of the acts of the corporation ;

Journal. he shall keep a fair journal of the proceedings of the council in a book to be provided for that purpose, and shall enter all by-laws and ordinances adopted by the council in a separate book for that purpose, and when signed by the president,

shall attest the same: he shall keep a fair index to the same: Book how he shall certify copies under the seal of the corporation, which kept and surrendered. copies of any book, paper, by-laws, ordinance, or proceeding of the council when so certified and attested by the clerk shall be good evidence of the thing certified; he shall deliver over to his successor the seal, and all the books, papers and other things belonging to the corporation, and upon neglect or refusal so to do upon demand made, he shall forfeit and pay a Forfeiture for refusing to surrender book, &c. to successor. fine of not less than fifty dollars, and be accountable for all damages sustained by the corporation, to be recovered as like debts and damages are by law recoverable.

SECTION 11. That it shall be the duty of the treasurer to receive all moneys due to the corporation, whether for taxes, fines, donations, or in any other way, and to pay out the same Moneys how received and paid. on orders of the president or president pro tem.; he shall keep fair accounts of his receipts and payments, and settle his accounts with the auditors whenever they shall require the same to be done, and pay over all moneys or balances found in his hands, and deliver to his successor in office all books, papers and accounts belonging to the corporation or pertaining to his official duties when demanded, for which he shall give bond to the burgess and town council, with sureties Bond. therein, as they may require.

SECTION 12. That no moneys shall be drawn from the treasury but by authority of the council on orders signed by Money how drawn. the president thereof, and attested by the clerk. It shall be the duty of the auditors to settle the accounts of the several officers, annually, and to cause a fair statement, showing the receipts into the treasury and how the same shall have been expended, to be published by the town clerk every year, in the month of March, by setting up at least four copies thereof in the most public places within the borough.

SECTION 13. It shall and may be lawful for all persons entitled by law to vote for burgess and other officers of the borough of Edinboro', at the same time and place where they vote for borough officers, to elect two respectable citizens of said borough for constables, and return the names of the persons so elected to the next court of Quarter Sessions of the said county, one of whom shall be appointed constable of said borough in the like manner with the like powers and authority, and receive like fees, and be subject to regulations and penalties Who may vote. Constable. Powers, fees, penalties. as are provided and contained in the laws now existing, or that may hereafter be passed, concerning constables within this commonwealth, and the said constable so appointed shall do and perform all the duties required to be done by Duties. the high constable of said borough, in pursuance of this act, and of the by-laws and ordinances of said borough.

SECTION 14. That the territory within the limits of the said borough shall be a separate district for school purposes,

Separate and for the levy and collection of county rates and taxes, and school district in all all other respects shall be separate from the township of with powers, Washington, in said county, and that all jurisdiction of the &c. officers of said township from the third Friday of April next, shall cease, except so far as to collect any taxes that may then be due and owing to them from the inhabitants of said borough; *Provided*, That nothing herein contained shall be construed to effect the election district as now formed, but that Edinboro' & Washington the township of Washington including the borough of Edinboro', shall be and remain an election district, the same as township one election dis't. though this act had not been passed.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The third day of April, Anno Domini one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 106.]

A FURTHER SUPPLEMENT

To an act to enable the Governor to incorporate a company for making an artificial road, by the best and nearest route, from the borough of Sunbury, in the county of Northumberland, to the borough of Reading, in the county of Berks, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That it shall and may be lawful for the president, managers and company of the "Centre Turnpike Road," leading from Reading to Sunbury, to alter the course of their road from a point at or near where the said road crosses the river Schuylkill, at the south east side of the said river, to Mount Carbon, and to construct a new turnpike road between said points so as to avoid any inconvenience and danger from the Philadelphia and Reading rail road, running near to the said turnpike road and any interfering with it between said point; *Provided*, That the turnpike so to be

Company
may alter
course of road

To avoid
Phil'a. and
Reading rail
road.

constructed shall be in every respect constructed in the same manner as the other parts of the said road are or ought to be constructed, according to law, and be subject to the same rules and regulations as the other part of the said road are subject to; *And provided further*, That the said company shall make compensation to the owners of the lands taken up by such road or give adequate security therefor, before such lands shall be taken or occupied as aforesaid.

SECTION 2. That it shall and may be lawful for the Philadelphia and Reading rail road company to use and occupy such parts of the Centre turnpike road as may be vacated or rendered unnecessary by the making of the new road for the said rail road; *Provided*, That sufficient space is left on one side of the said road for wagons to pass and repass.

SECTION 3. That the time fixed for the settlement of the accounts of Almond Woodcock, Charles Lyman, and John Taggart, commissioners appointed by the act of the fourteenth of April, one thousand eight hundred and thirty-eight, to expend the funds appropriated by said act to the East and West state road in Potter county, be extended to the first day of December, one thousand eight hundred and forty.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The third day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 107.]

A FURTHER SUPPLEMENT

To an act for acknowledging and recording of deeds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*: That where any deed, conveyance, or other instrument of writing has been or shall be made and executed, either within or out of this state, and the acknowledgment or

Acknowledgment of deeds under seal by proper officers

declared good proof thereof, duly certified, by any officer under seal, according to the existing laws of this commonwealth, for the purpose of being recorded therein, such certificate shall be deemed prima facie evidence of such execution and acknowledgment, or proof, without requiring proof of the said seal, as fully, to all intents and purposes, and with the same effect only, as if the same had been so acknowledged or proved before any judge, justice of the peace, or alderman within this commonwealth.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The third day of April, eighteen hundred and forty.

DAVID R. PORTER.

[No. 108.]

A N A C T

To incorporate the St. Paul's Roman Catholic Orphan Asylum of the city of Pittsburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That all and every person or persons, who shall at the time of the passing of this act, be members of the association, called the St. Paul's Roman Catholic Orphan Asylum of the city of Pittsburg, shall be, and they are hereby declared and created to be one body politic and corporate, in deed and in law, by the name, style, and title of St. Paul's Roman Catholic Orphan Asylum, and by the same name shall have perpetual succession, and shall be able to sue and be sued,

Asylum created.

Name.

implead and be impleaded in all courts of record or elsewhere, General pow.
 and to purchase, receive, hold and enjoy to them and their ^{ers.}
 successors, lands, tenements, rents, annuities, franchises and
 hereditaments, goods and chattels, of what nature, kind or
 quality soever, real, personal or mixed, or choses in action,
 and the same from time to time to sell, grant, alien or dispose ^{Seal.}
 of, and also to make and have a common seal, and the same
 to break, alter and renew at pleasure, and also to ordain, es-
 tablish, and put in execution such by-laws, ordinances and re- ^{By-laws.}
 gulations, as shall appear necessary and convenient for the
 government of the said corporation, not being contrary to this
 charter, or the constitution and laws of the United States or
 of this commonwealth, and generally to do all and singular
 the matters and things which to them it shall lawfully apper-
 tain to do for the well being of the said corporation, and the
 due management and ordering of the affairs thereof: *Provided*, ^{Income limit-}
 That the yearly rents and profits of the real estate held by the ^{ed.}
 said corporation, at any one time, shall not exceed in value
 the sum of ten thousand dollars.

SECTION 2. The business of the society, and the control
 and management of all its affairs, shall be entrusted to the ^{President and}
 board of managers, which shall consist of a president and ^{managers.}
 twelve managers, to be elected by ballot from among the mem-
 bers of the association, on the twenty-ninth day of June, in
 each and every year.

SECTION 3. In case of any failure to elect at the time here- ^{Failure to}
 inbefore appointed, the corporation shall not for that cause be elect how re-
 dissolved, but an election shall be held as soon afterwards as ^{medicd.}
 may be, such notice being given as shall be required by the
 rules of the society, and until such election, the officers and
 managers in place for the time being shall continue to act,
 and remain in office until others are duly elected in their
 place.

SECTION 4. The said managers shall annually, at their first ^{Vice-pres'dt.}
 meeting after their election, choose by ballot from among ^{treasurer and}
 themselves a vice president, a treasurer and secretary. ^{secretary.}

SECTION 5. Five members of the board shall constitute a ^{Quorum.}
 quorum, with full power to transact any business of the so-
 ciety, conformably with this instrument, the regulations of the
 society, and the laws of this commonwealth, and in the ab-
 sence of the president or vice president, a president pro tem-
 pore may be chosen to preside at the meetings of the board,
 or of the society.

SECTION 6. The said board of managers shall be able and ^{Who may be}
 capable in law, according to the terms and conditions of this ^{admitted.}
 instrument and they are hereby empowered to receive any
 orphan child or children, and such other children as may be
 deprived of one parent, to be bound when deemed advisable to

Bind out apprentices. such person or persons, and in such manner as they may direct, conformably with the laws of this commonwealth; no female child, however, to be bound in any case to serve beyond the age of eighteen years.

Treasurers' duties. **Bond.** **Exhibit accounts.** **SECTION 7.** The treasurer shall receive and keep in trust all moneys, deeds, securities, and all other evidences of debts belonging to the society. He shall pay all orders signed by an authorized person or committee, which orders shall be his vouchers for his expenditures: he shall, before he enters upon the duties of his office, give bond with approved security for the faithful discharge of his trust: he shall, when required by the board, give a full statement of his accounts, and make an exhibit of the books, vouchers, and so forth, belonging to the society, and when he may resign or be removed from office, he shall on demand deliver to his successor, all moneys, books, papers, and other effects in his hands entrusted to his care, and belonging to the said society.

Powers. **SECTION 8.** The power and authority necessary to carry out the objects and privileges granted in the first section of this act, shall be vested in the board of managers, and their successors, whose acts shall at all times be binding on the said society.

Powers, functions, and duties of officers. **SECTION 9.** The powers, functions, and duties of the officers hereinbefore named, and of all those who may hereafter be appointed, the mode of supplying vacancies in office, the times of meeting of said society, the number which shall constitute a quorum of the society or committees respectively, the terms of admission to membership and mode of admission, the causes which shall justify the suspension or disfranchisement of a corporator, the number and duties of the other officers or agents necessary in carrying out the designs of the society, and all other concerns of the said corporation, shall be regulated by the by-laws, ordinances, and fundamental rules of the same, hereafter to be made, which the said corporation is hereby authorized and empowered to make: *Provided*, That the said by-laws, ordinances and fundamental rules, shall not be inconsistent with the constitution of the United States and of this state.

Proviso. **SECTION 10.** All estate, real or personal, now or hereafter to be held by said asylum, shall be exempted from assessment for, and payment of all county, corporation and [poor taxes, so long as such property shall remain in the possession of said society, and occupied for the purposes of said institution.

Estate free from tax. **Managers.** **SECTION 11.** Until the first election of managers under this act, and until others are elected in their stead, the board shall consist of John O'Reilly, president, and Michael Tiernan, John Andoe, Luke Taffe, Michael M'Collough, Hugh Toner, John T. Connolly, Joseph O'Brien, Bernard Perry, John Far-

ran, Jacob Berkly, John M'Devit, and Michael M'Closkey, managers, who are hereby authorized to carry into effect all the powers and privileges granted to said corporation.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The third day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 109.]

A N A C T

Authorizing the commissioners of Berks county to borrow money, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the commissioners of Berks county and their successors in office be, and they are hereby authorized to borrow money from time to time, as often as they may deem necessary, for county purposes, at a rate of interest not exceeding six per cent per annum, and to pledge the faith of the said county for the reimbursement of any loan or loans that may be negotiated under the authority of this act;—*Provided however,* That the debt of the said county shall at no time exceed the sum of fifty thousand dollars.

Authority to borrow.

Interest.

Amount limited.

SECTION 2. That from and after the passage of this act the commissioners of the county of Berks shall respectively receive out of the county treasury, in addition to the daily pay allowed them by law, the sum of six cents for each mile circular necessarily travelled in the execution of the duties of their office.

Commissioner's of Berks co. allowed mileage.

SECTION 3. That it shall be the duty of the Burgess and Town Council of the borough of Kutztown, in the county of

Kutztown, Berks, to build and erect, or provide and support, a suitable building in or contiguous to the borough of Kutztown, in the Berks co., to erect Lockup House. county of Berks, to be used as a Lockup House or place of Commitments security for the temporary detention of persons committed by a Justice of the Peace of the said county, for any violation of the laws of the commonwealth, for which such person or persons could be lawfully committed to the common prison, there to remain and be kept until such offender can be conveniently conveyed to the county prison, or until he be discharged according to law; *Provided*, That no person committed by a Justice of the Peace shall be confined in said house for a longer period than twenty-four hours-

Proviso.

WM. HOPKINS,
Speaker of the House of Representatives,
 W. T. ROGERS,
Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and forty,

DAVID R. PORTER.

[No. 110.]

A SUPPLEMENT

To an act, entitled an act authorizing the Governor to incorporate a company to make a turnpike road from the borough of Birmingham, in St. Clair township, Allegheny county, to a point at or near Samuel Hamilton's Mill, in Mifflin township, in said county, and for other purposes; passed thirty-first day of March, Anno Domini, one thousand eight hundred and thirty-six.

Birmingham and Elizabeth town turnpike road company collect tolls when 2 miles are completed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That it shall be lawful for the president and managers of the company incorporated by the act to which this is a supplement, to erect a toll gate, on said road, and collect tolls thereat, as soon as two miles of the said road shall have been completed, commencing at the borough of Birmingham.

WM. HOPKINS,
Speaker of the House of Representatives.
 W. T. ROGERS,
Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 111.]

AN ACT

To incorporate the Cattle Life and Farmer's Fire Insurance company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That all and every person who shall be or become a member of the association, called the "Cattle Life and Farmer's Fire Insurance company," shall be, and they are hereby created and declared to be a body politic and corporate, in deed and in law, by the name and title of the "Cattle Life and Farmer's Fire Insurance company," by which name and title the said subscribers shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and to purchase, receive, have, hold, use, occupy, possess, and enjoy to them and their successors, lands, tenements and hereditaments, goods and chattels, of what nature, quality or kind soever, real, personal or mixed, or choses in action, and the same from time to time to sell, assign, demise, grant, alien or dispose of: *Provided*, That the yearly income of the real estate so held, except such as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security, or in payment of any debt which may become due or owing to the same, or in satisfaction of any judgment of any court of law in its favor, shall not exceed the sum of ten thousand dollars, and the said company shall have authority to make, have and use a common seal, and the same at pleasure to break, alter and renew.

Incorporated.
Name & title.
Privileges & franchises.
Proviso.
Yearly income limited.

SECTION 2. That the capital stock of the Cattle Life and Farmer's Fire Insurance company shall consist of two thousand shares of one hundred dollars each, which may hereafter be increased to any sum not exceeding five thousand shares of one hundred dollars each, if two-thirds of the stockholders, at any general meeting regularly convened so order, which increase shall be effected in such manner, and on such terms as said two-thirds of the stockholders shall direct.

Capital stock
2000 shares
not to exceed
5000.

SECTION 3. The capital stock of said company shall be called in and paid at such times and places, and in such proportions and instalments as the president and directors shall require, giving public notice thereof once a week for three

Notice of payment of stock to be given & mode of pay't.

Penalty for neglect.

successive weeks, in two newspapers printed and published in the city of Philadelphia, and in one newspaper in each of the county towns in which stock may have been subscribed; and if any stockholder shall neglect to pay such proportion or instalment, at the time and place appointed, he shall in addition to the proportion or instalment so called for, pay at the rate of two per cent. per month for the delay of such payment, and if the same and the additional penalty, or any part thereof, shall remain unpaid for six months, he shall at the discretion of the directors, forfeit to the use of the company all his right, title and interest, in and to every and all share and shares, on account of which default of payment may be made as aforesaid, or in case of default on the part of any stockholder, of payment of such proportion or instalment as aforesaid, the president and directors may, at their election, cause suit to be brought, before any justice of the peace or alderman, or in any court of competent jurisdiction, for the recovery of the same, with the penalty of two per cent. per month as aforesaid, and in the event of a forfeiture new subscriptions may be opened and received for the number of shares so forfeited, at the discretion of the company, and under such regulations as may be prescribed in the by-laws: *Provided*, That no stockholder shall be entitled to vote at any election or at any general or special meeting of the company, on whose share or shares any instalment or arrearages may be due, more than ten days previously to said election or meeting: *And provided further*, That the provisions of this act shall not go into effect until at least one thousand shares of stock have been subscribed, and the sum of five dollars paid on each share, which subscription and payment shall be certified to the Governor under the hands and seals of a majority of the directors named in the fourth section of this act, and the sum raised by such subscription and payment be invested, in the name of the corporation hereby created, in the public stock of this state.

Proviso.

2d Proviso.

When to go into effect.

Directors.

To be elected annually.

Notice.

President.

Failure to elect not to dissolve corporation.

SECTION 4. The affairs of the company shall be managed by eleven directors, who shall be citizens of this commonwealth and residents therein and stockholders of the said company, holding at least five shares each, in their own right, and who shall be elected annually, on the third Monday in January, by the stockholders, at their general meeting for that purpose assembled, of which meeting public notice shall have been given in at least two newspapers published in the city of Philadelphia for three successive weeks immediately preceding the holding of the same, and the directors, at their first meeting after each election shall chose one of their number as president, but in case it should happen, at any time, that an election of directors should not be made when, pursuant to this act, it ought to have been made, the company, for that cause, shall not be dissolved, and it shall be lawful within forty days thereafter to

hold and make an election of directors, in such manner as shall be regulated by the by-laws and ordinances of the said company; and in case of the death or resignation of any director, his place may be filled for the remainder of the year, in such manner as the regulations of said company shall for that purpose direct: *Provided*, That the first directors shall be James Mease, Samuel Breck, George Cadwalader, Callender Irvine, Philip Ricketts, Robert A. Parrish, of Philadelphia, and George W. Roberts, and Robert T. Potts, of Montgomery, and Kenderton Smith, of Philadelphia county, Samuel D. Ingham, James Worth, of Bucks county, who shall hold their offices until the third Monday in January, one thousand eight hundred and forty-one, and until new directors shall be chosen.

SECTION 5. The vote of the stockholders for directors shall be by ballot, and for the election of directors, and for deciding all questions in the general meetings of the stockholders, the ratio of votes shall be as follows: Five shares or less, one vote; six and not more than nine, two votes; ten and not more than fourteen, four votes; fifteen and not more than nineteen, six votes; twenty and not more than twenty-four, eight votes; twenty-five and not more than twenty-nine, ten votes; thirty and not more than thirty-four, twelve votes; thirty-five and not more than thirty-nine, fourteen votes; forty and not more than forty-five, sixteen votes; forty-five and not more than forty-nine, eighteen votes; fifty and upwards, twenty votes; but no stockholder shall be entitled, in his own right, to more than fifteen votes, nor any stockholder vote at any election for directors, unless the share or shares on which he or she may claim to vote, shall have been standing in his or her name, at least three months previously to such election.

SECTION 6. The president and directors, for the time being, shall have power to appoint such officers, clerks, agents, and other persons as shall be necessary for conducting and forming the business of the said company; to fix their compensation, to take bonds from all or any of them, with security conditioned for the faithful execution of their several duties, to make such covenants, contracts, and agreements as they may deem proper; to ordain, establish, and put in execution all such ordinances, regulations and by-laws as may appear necessary for the government, or conducive to the interests of the company, not being contrary to the fundamental articles thereof, to the constitution and laws of the United States, or of this commonwealth, and generally to do, execute, and perform all acts, matters and things in relation to the business thereof, which a corporation may or lawfully can do; *Provided*, That all such ordinances, regulations, and by-laws, as shall be made by the directors, may be altered or repealed by

two-thirds of the stockholders present, at any annual meeting, or any general meeting called in pursuance of any by-law made for that purpose, and the majority of stockholders may, at any annual or general meeting, pass by-laws which shall be binding upon the directors, such by-laws not being contrary to the laws of this state or of the United States; *And provided also*, That no director or officer of the said company, either by himself or through any other person, shall be permitted to borrow or make any loan from the funds of said company.

2d Proviso.

Power to make insurances on houses, &c.

Against loss by fire, &c.

Contracts to be in writing or print.

SECTION 7. The said company shall have full power and authority to make insurance against loss, by death, of all farm stock and stallions, horses, jacks, jennets, and mules, and also against losses by fire, at such rate of premium as may be agreed upon, on any farm, stock, house, tenement, manufactory or other building, and on goods, wares, and merchandize, and other effects therein, and on hay, grain, and other agricultural products in barns, stacks or otherwise, and generally on all kinds of buildings, goods, wares, merchandize and effects, and to make, execute, and perfect such contracts, bargains, agreements and policies and other instruments as shall or may be necessary, and as the nature of the case may require, and every such contract, bargain, agreement, policy, and other instrument to be made by the said company shall be in writing or in print, under the corporate seal, signed by the president, and attested and signed by the secretary or other officer who may be appointed by the directors for that purpose.

Capital stock employed and improve the capital stock thereof, and all moneys how to be employed. received for premiums, which by this act the president and directors are directed to retain, until the risks upon which such premiums have been received are fully determined in any available stock, or to lend the same or any part thereof upon good and sufficient security, and also to sell and dispose of, and transfer all or any of the said stock and securities, and invest the proceeds thereof in like and other such stock and securities; *Provided*, That nothing herein contained shall in any way be construed to authorize the said company to use the funds of the institution for banking purposes.

Proviso.

Dividends to be declared semi-annually

How to be paid.

SECTION 9. That the president and directors of said company shall on the first Mondays of January and July, in each and every year, declare and divide so much of the profits of said company as to them shall appear advisable, first deducting all expenses, and pay the said dividend to the respective stockholders or to their agents, duly empowered in ten days after declaring the same, but the moneys received as premiums upon risks which remain undetermined and outstanding at the time of declaring such dividend shall not then be con-

sidered as part of the profits of the said company or divided as such, and if any loss shall happen whereby the capital stock of said company shall be lessened no subsequent dividend shall be made until a sum equal to such diminution shall have been added to the said capital stock, and if the president and directors shall knowingly make a dividend or dividends contrary to the true intent and meaning of the prohibitions herein contained, such of them as shall consent thereto, shall, in their individual capacity, be accountable for and pay over to the said company for the use thereof as much money as they may so divide and pay more than by this act they are authorized to do, and the president and each director of the said company in office at the time of making such dividend, hereby prohibited, shall be deemed as consenting thereto, unless he or they shall at the time of making or declaring the same be absent from the board of directors, or, if present, shall immediately enter his or their protest or protests on the minutes of the board, and also give notice thereof in two newspapers published in the city of Philadelphia.

Disposition of
premiums
upon risks.

Liability of
president and
directors in
certain cases.

SECTION 10. The stock of said company shall be transferable on the books of the said company, only according to such rules and regulations as may be prescribed by the by-laws.

Transferable.

SECTION 11. Should the said company fail to meet its engagements, each person holding stock at the time of such failure, shall individually be liable for the debts of the company, to the amount of the balance unpaid on the stock of such stockholder.

Individual lia-
bility of stock-
holders.

SECTION 12. If at any time it shall appear to the legislature, that the said corporation has abused or misused any of the privileges hereby granted, the power to repeal this act shall in no wise be denied or impaired, but such repeal shall not affect any engagements to which said company may have become a party previously thereto, and that said company shall have a reasonable time allowed them to bring their accounts to a final settlement and termination.

Right to re-
peal.

SECTION 13. All evidences of debt or duty owing and belonging to the said company, shall be transferred to and taken in the name of the Cattle Life and Farmer's Fire Insurance company, and all deposits for safe keeping of the moneys and securities of the said company shall be made in any incorporated bank or banks located in the city or county of Philadelphia, in such manner and terms that the same shall always appear to be the property of the company, and shall be subject only to the drafts or orders of their proper officers as such.

Evidences of
debt, &c. how
transferred.

SECTION 14. In case any party to any policy of insurance made by said corporation, shall sell, convey or assign the subject insured, it shall be lawful for such party to assign or deliver to the purchaser such policy or contract of insurance, and he may bring and maintain a suit in his own name there-

Proceedings
in case of sel-
ling, &c., sub-
ject insured.

on ; if before any loss happened, he shall have obtained the consent of the corporation to such assignment, to be endorsed on or annexed to such policy of insurance, and the said corporation shall not be bound, after the transfer or assignment of any such subject of insurance made by them, unless their consent as aforesaid be obtained.

Of loss by fire
notice to be
given.

SECTION 15. Each and every person or persons insuring in said company, who shall sustain any loss or damage by fire, shall give immediate notice to the president and directors of the said company, at their office, to the end that the president and directors, their officers and agents, may examine and inquire into the same.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 112.]

A N A C T

To authorize the issuing of new certificates of State stock, in lieu of certificates lost or destroyed.

Lost certi-
ficates of state
stock supplied

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same :* That it shall and may be lawful for the Auditor General to issue or cause to be issued a new certificate of debt of this commonwealth, in lieu of any certificate of such debt lost or destroyed, on satisfactory proof being made of such loss or destruction, and on such indemnity being given as he shall require, such new certificate being of the same tenor with the one alleged to be lost or destroyed, and specifying that it is in lieu thereof, which certificate shall be signed in the manner heretofore provided by law.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 113.]

A SUPPLEMENT

To an act, entitled an act to provide for the erection of a house for the employment and support of the poor in the county of Adams, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the several provisions of the act of Supplement the General Assembly, entitled a supplement to an act, entitled an act to provide for the erection of a house for the employment and support of the poor in the county of Cumberland, passed the thirteenth of March, one thousand eight hundred and thirty-nine, be and the same are hereby extended to the county of Adams, and the house for the employment and support of the poor therein, in so far as the same may be applicable in like manner as if the same had been specially recited in this act. 13th March, 1839, extended to Adams county

SECTION 2. All the provisions of the act, passed the twenty-fourth of March, Anno Domini, one thousand eight hundred and seventeen, to which this is a supplement, in so far as the same are hereby altered or supplied are hereby repealed in so far as such alteration extends. Act of 25th March, 1817, altered or supplied are repealed.

SECTION 3. The Directors of the Poor and of the House of employment for the county of Cumberland shall have power to put out male poor children, described in the act, entitled a supplement to the act entitled a supplement to the act entitled an act to provide for the erection of a house for the employment and support of the poor in the county of Cumberland, until the age of twenty-one years; *Provided, however,* That such male child when he attains the age of eighteen years shall be permitted to select or change his trade at his discretion, and bind himself, with the approbation of the said directors, to learn such trade; but, should he not make such selection or change, he shall be bound to serve out his time under his original indenture, and according to its terms and provisions. Male children of Cumberland'd county to be bound out. Proviso. Child may choose trade

SECTION 4. That in every case where the said directors shall under this act, or the acts to which this is a supplement, put out a poor child, the said directors shall require that the person to whom such child shall be put out, shall give such child one year's schooling, at such time during the period for Schooling.

which he or she is put out, as they the said directors may require and direct.

Repeal of that part of former act relating to roads & highways in the county of Delaware.

SECTION 5. That so much of an act of the Legislature, passed the sixteenth day of April, one thousand eight hundred and thirty-eight, as relates to roads and highways in the county of Delaware, entitled "an act granting certain powers to the authorities of the cities of Lancaster and Philadelphia, and for other purposes," be and the same is hereby repealed, from and after the passage of this act, so far as relates to the townships of Upper Darby, Springfield, Marple, Concord, Bethel, Middletown, Tinicum, Aston and Haverford in the said county of Delaware.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 114.]

A N A C T

To repeal the Loan privileges, and to grant Insurance privileges to the Southern Loan company of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That whenever the directors of the Southern Loan company of Philadelphia, incorporated by the act passed the twenty-ninth day of April, eighteen hundred and thirty-six, entitled an act to incorporate the President and Trustees of the Presque Isle Hospital, at Erie, Pennsylvania, and to exempt from county and state taxation the property of the contributors to the asylum, for the relief of persons deprived

of their reason, in the county of Philadelphia, and to incorporate the Southern Loan company of Philadelphia, and at least two-thirds of the stockholders thereof, or so many of them as shall own at least two-thirds of the stock of said company, shall accept of this act in writing, under the hands and seals of such directors and stockholders, to be filed in the office of the Secretary of the Commonwealth, and it shall be certified to the Governor, under the oaths or affirmations of a majority of said directors, that one half of the capital stock of said company can be realized from the present assets of said company, and invested in stock in other institutions, and in loans or promissory notes, now belonging to said company, all the rights, powers, and privileges conferred upon the Philadelphia Fire and Inland Navigation and Insurance company, by the act incorporating said company, and the supplement to said act and other acts, shall be, and they are hereby granted and extended to and conferred upon the Southern Loan company of Philadelphia, and the stockholders of said company shall thereafter be a body politic and corporate, in deed and in law, by the name, style, and title of the Southern Insurance company of Philadelphia, and by the said name, style and title, shall have all the powers, privileges and incidents of a corporation, and may sue and be sued, implead and be impleaded in all courts of justice or elsewhere, and all the loan privileges granted to the said "the Southern Loan company of Philadelphia," shall thenceforth be null and void: *Provided*, That the corporate rights and privileges of the said "the Southern Loan company of Philadelphia," shall continue in force, for the purpose of collecting the debts due to said company, and closing its concerns under the act of incorporation.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 115.]

A N A C T

To revive and continue in force certain sections of an act, entitled "an act regulating election districts, and for other purposes, passed the sixteenth day of June, one thousand eight hundred and thirty-six."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth; sixteenth, seventeenth, thirty-sixth, thirty-eighth; thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth, forty fifth, forty-sixth, forty-seventh, forty-eighth and forty-ninth sections (but none of the other sections) of an act, entitled "an act regulating election districts, and for other purposes," approved the sixteenth day of June, eighteen hundred and thirty-six, shall be and the same are hereby revived and continued in force, and each and all the elections, and each and all the acts and proceedings of any officer or other person duly elected or appointed at said elections, and all and every the other acts and proceedings what nature soever had or done, under, or in pursuance of each, all, or of any of the said recited sections shall be deemed valid and legal, and the same are hereby ratified and confirmed as fully and effectually in all respects, as if the said recited sections had never been repealed; *Provided, That* the thirty-sixth section relating to property injured or destroyed in the city or county of Philadelphia, in consequence of any mobs or riots therein, and the rights, remedies and proceedings in said section named and provided shall be, and the same are hereby revived and continued in force, so far only as may be applicable to cases of property injured or destroyed, in said city or county, previous to the second day of July, eighteen hundred and thirty-nine.

Revival of certain sections of former acts.

Revival of section of former act relating to property destroyed by mobs in Phila. city & county.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 116.]

A N A C T

For better securing the payment of ground rents.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That in all actions of covenant hereafter brought in any court of record, upon any covenant for the payment of rent on any ground rent deed, if the sheriff or other officer, to whom any writ of summons is directed, shall make return of the same with "nihil" endorsed thereon, it shall and may be lawful for the plaintiff or plaintiffs to sue out an alias writ of summons, returnable in like manner as other writs of summons; and thereupon, if the said sheriff or other officer shall make return of the said alias writ with "nihil" endorsed thereon, the said return of two "nihil" shall be in all respects equivalent to actual service of the same, as is now the practice in cases of scire facias on judgments and mortgages: *Provided however,* That it shall be the duty of the said sheriff or other officer to give notice of the said alias writ, by serving a copy thereof on the tenant in possession of the premises, if any, or if there be no such tenant, by posting a copy of the same on some conspicuous part of the premises, at least ten days previous to the return day thereof, and also by publication in one or more newspapers, in such manner and for such time as the court by rule or otherwise shall direct: *And provided also,* That the plaintiff or plaintiffs shall have filed within two weeks after the return day of the first writ of summons, in the office of the prothonotary of the said court, a copy of the deed on which the suit is brought.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 117.]

A N A C T

To incorporate the Lehigh Company for the Insurance of the lives of horses and the detection of horse thieves, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:* That the persons who have associated themselves into a horse insurance company in the county of Lehigh; by the name of the Lehigh company for the insurance of the lives of horses, and for the apprehension and detection of horse thieves, with such members as shall hereafter be admitted members thereof, in the manner provided by the by-laws of the company, shall be and they are hereby created and made a body politic and corporate, by the name, style and title of "The Lehigh Company for the Insurance of the lives of Horses, and the apprehension and detection of horse thieves," and that they and their successors are hereby ordained and declared a body politic and corporate, in fact and in law, with all the legal incidents to a corporation aggregate.

Incorporated.

Name, style and title.

Election of directors, when to be held.

Notice.

Directors.

General meeting when held

SECTION 2. That on the first Saturday in January next, and on the first Saturday in January in every year thereafter, the members of the said company shall convene for the election of directors of said company, who shall continue in office for one year and until successors shall be duly chosen, and in the event of a failure to elect on the day herein appointed, the election shall be held as soon thereafter as practicable, giving at least ten days notice of the time and place of the election, and that until the first election hereby authorized and until successors shall be chosen as herein directed, Samuel Christ, Martin Ritter, Jacob Keck, William Dehl, Andrew Hoffert, Jacob Jacoby, Abraham Rahn, John Myer, Solomon Uberroth shall be directors of said company, with power to transact all business enjoined upon them by this act, or by the laws of the company.

SECTION 3. That a general meeting of the company shall be held whenever called by the board of directors, or a majority of them, or whenever requested by any ten of the members, and the members shall at their general meeting pass all by-laws,

rules and regulations necessary for the proper government of the affairs of the company, or vest the power so to do in the board of directors whenever it shall be deemed advisable so to do, and all elections shall be by ballot, each member being ^{Ballot.} entitled to one vote; to be conducted by three judges, to be chosen by the members present at the election, who shall certify under their hands the result of said election, to be filed with the papers of the corporation. The directors for the ^{Officers.} time being shall choose one of their members for president, and also a treasurer and secretary, and shall have power to remove or displace a treasurer and to supply any vacancy ^{Vacancies.} which may happen, by death, or resignation, or removal, either in the board of managers, or in the officers of the company (until the next election) and the company shall have the power to elect such other officers as they may deem necessary, and to pass all by-laws, rules and regulations necessary ^{By-laws.} to carry into effect the object of this act, not contrary to this act, or the constitution and laws of this commonwealth, and each member of the company shall be liable to contribute ^{Contributions} equally to the payment of all losses and expenses of the company; and the rates of contributionship shall be settled by the board of directors, after which the treasurer shall proceed to collect the amount due from each member of the company, and the said treasurer, or the directors, or a majority of them, shall have power to bring suit in the name of the said company for all sum or sums due from its members for fines or otherwise.

SECTION 4. The said company hereby incorporated shall have full power and authority to use one common seal, and ^{Seal.} to alter and renew the same at pleasure, and shall be able to sue and be sued, plead and be impleaded, in all courts of record or elsewhere, and shall do all and singular the matters and things which shall be lawful for them to do for the well-being of the said company.

SECTION 5. The legislature reserves the power to alter, re- ^{Right to an-}voke or annul the privileges and charter hereby granted, ^{nul, &c.} whenever, in their opinion, the same may be injurious to the citizens of the commonwealth.

SECTION 6. That from and after the passage of this act it shall not be lawful for any person, not a citizen of this com- ^{Deer not to be}monwealth, to hunt or kill deer in any manner within the ter- ^{killed by cer-}ritories of the counties of Monroe, Pike and Wayne. ^{tain persons} in Monroe, ^{Pike and}Wayne.

SECTION 7. Any person or persons, not being citizens of this commonwealth, offending against any of the provisions of this act, on conviction thereof before any Justice of the Peace within either of said counties, shall forfeit and pay for every such offence a fine not less than five nor more than fifty dollars, to be recovered as debts of like amount are now by law recovered, together with all costs and charges, ^{Penalty.}

one half of the fine for the use of the informers and the other half for the use of the county in which said action was brought.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 118.]

A N A C T

For the relief of Aaron Wright and others, soldiers and widows of soldiers of the Revolutionary and Indian wars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the state treasurer be and he hereby is authorized and required to pay to Aaron Wright and Susanna Mellon, of Berks county, Lewis Harple and Christiana Keen, of Chester county, Garret McQuillen, of Huntingdon county, Conrad Kriss, of Lycoming county, Daniel Melarkey, of Butler county, John Welshantz, Christian Miller and Ann M. Sype, of York county, Rachael Tenant, of Harford county, Maryland, Elizabeth Keesy and Elizabeth Wentzel, of Montgomery county, Sarah Smith, of Armstrong county, Sarah Dillon and Eleanor Gilchrist, of Westmoreland county, Elizabeth Rohrer, of Lebanon county, and Mary Dohrman, of Union county, soldiers and widows of soldiers of the Revolutionary and Indian wars, or to their respective orders, forty dollars to each, immediately, as a gratuity and an annuity of forty dollars each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and forty.

Relief of
soldiers and
widows in
Berks, Chester
Huntingdon,
Lycoming,
Butler & York
counties.
Maryland,
Montgomery,
Armstrong,
Westmore-
land, Lebanon
and Union.

Montgomery
county.

SECTION 2. That the state treasurer be and he is hereby required to pay to Hugh Tarrance, of Montgomery county, or to his order, forty dollars, immediately, as a gratuity in full, for military services rendered by him during the revolutionary war.

SECTION 3. That the state treasurer be and he is hereby authorized and required to pay to Mary Dewooddy, of Venango Venango co. county, or to her order, forty dollars, immediately, as a compensation for nursing and burying her father, William Lyon, late of the said county of Venango, deceased, and in lieu of a gratuity of forty dollars granted to the said William Lyon, for military services, by the act of March thirteenth, one thousand eighteen hundred and thirty-nine, entitled "an act for the relief of William Lyon and others, soldiers and widows of soldiers of the Revolutionary and Indian wars."

SECTION 4. That the state treasurer, be and he is hereby required to pay to Abraham Newhard, of Lehigh county, forty Lehigh co. dollars, immediately, as a gratuity, and an annuity of forty dollars during the life of Catharine Deily, payable half yearly, to commence on the first day of January, one thousand eight hundred and forty; said money to be paid to the said Abraham Newhard, in trust, for the use, benefit and behoof of the said Catharine Deily, and to be by him expended in furnishing and procuring the necessaries and comforts of life for her.

SECTION 5. That the state treasurer be and he is hereby authorized and required to pay to such person or persons, who shall have attended to and taken care of any soldier or widow of a soldier of the Revolutionary and Indian wars, who was a recipient of a pension from the commonwealth, by an act of Assembly, during their last illness, and administered to their wants and necessities and defrayed the expense of their funeral, such sum or sums as may be due to the said pensioner at the time of his or her decease, upon proof being made by the affidavit of two respectable citizens, personally acquainted with the facts, made before a justice of the peace in the neighborhood, without requiring letters of administration to be taken on the estate of such deceased pensioner or pensioners.

Balance due
deceased pen-
sioners to be
paid to widow
or nurse.

SECTION 6. That the pension and gratuity allowed to Barbara Bankers, of Lancaster county, by the act of the General Assembly, passed the twenty-first day of March, eighteen hundred and forty, entitled an act for the relief of John Brown and others, soldiers and widows of soldiers of the Revolutionary and Indian wars, shall be and the same is hereby repealed; and the state treasurer be and he is hereby authorized and required to pay to Barbara Bankers, of Lancaster county, the widow of a soldier of the revolutionary war or her proper order, the sum of forty dollars, immediately, as a gratuity, and an annuity of forty dollars during life, to be paid half yearly, commencing on the first day of January, one thousand eight hundred and forty.

Lancaster co.
repeal.

Lancaster co.,
gratuity and
annuities.

SECTION 7. That the state treasurer be and he is hereby authorized and required to pay to George Lucas, of Cambria Cambria, county, John Hartman, Columbia county, Samuel McElhoes, Columbia, Mifflin county, Philip Transue, Monroe county, Adam Gensel, Mifflin,

Monroe, Columbia county, Hardy Rundles, Christopher Stealy, Allegheny county, Martin Arner, Luzerne county, soldiers, and Eleanor Dixon, Fayette county, Susannah Speigle, York county, Elizabeth Leibley, Lancaster county, Jane Holmes, Franklin county, Margaret Ross, Washington county, Ann Maria Keefer, and Elizabeth Duck, Dauphin county, Ann Postens, Monroe county, Elizabeth McEwen, Centre county, widows of soldiers of the Revolutionary and Indian wars, or to their respective orders, forty dollars each, immediately, as a gratuity, and an annuity of forty dollars each during life, to be paid half yearly, commencing on the first day of January, one thousand eight hundred and forty.

Crawford,
Armstrong,
counties.

SECTION 8. That the state treasurer be and he is hereby authorized and required to pay to John Forster and John Culbertson, of Crawford county, John Eaton of Armstrong county, or to their respective order, forty dollars, immediately, as a gratuity, in full, for military services rendered by them in the Revolutionary and Indian wars, the foregoing gratuities and annuities to be paid in conformity to the existing laws.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 119.]

AN ACT

To incorporate the First Universalist Church of the city of Pittsburg.

Corporators.

Name, style
and title.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Manning Hull, Ephraim Frisbee, Joseph Frisbee, Jacob Millinger, Henry Hartman, John Hartman, William Miller, Otis Young, William Ward, Samuel Hartman, Robert Christy, David Jenkins, Amos D. Frisbee, Charles Frisbee, James Spratley, senior, J. S. Bisbury, W. C. Anderson, Washington Irwin, John Nelson, J. Vardie and their associates, be, and the same are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and title of the First Universalist Church of

the city of Pittsburg, and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, and shall be able and capable to take and hold lands and tenements, goods and chattels, real, personal and mixed, which are now or may hereafter become the property of said society or body corporate, by gift, grant, devise, bequest or otherwise, and the same to convey, lay out, apply or dispose of in such manner as a majority of said church shall direct and appoint, and according to the true intent and meaning of donors, grantors and devisors; and the yearly value or income of the real, personal and mixed estate of said church shall not exceed the sum of two thousand dollars, exclusive of annual stated contributions.

SECTION 2. The members of said church shall choose amongst themselves one moderator, one assistant moderator, one secretary, one treasurer, and three trustees, to serve for one year or until a new election is held, in such manner, time and place as shall be determined by a majority of the board of managers, and likewise such other officers as the said church shall create from time to time. The treasurer shall, if required, give security to the board of managers for the faithful performance of the trust reposed in him, and shall account to them for all sums of money received by him; and the above named officers shall constitute a board of managers for the transaction of all business of the church, subject to its approval or rejection, and in case of death, removal, or resignation of the officers, or neglect to attend the meetings of the board twice in succession without good cause, the board shall fill such vacancy or vacancies until the next general election.

SECTION 3. The members of said church and their successors shall have full power to make and use one common seal, and the same to alter and renew at pleasure, to enact and enforce such by-laws and ordinances as may be necessary and proper for the regulation and transaction of the business of the corporation, and if the society neglect to elect the aforesaid officers on the day of the annual meeting, the board of managers shall appoint any subsequent time on which said election shall be held; *Provided*, That notice thereof shall be given from the pulpit or otherwise, at least two weeks before the said election: *And provided, also*, that the by-laws and ordinances shall not be inconsistent with the constitution and laws of this State and of the United States.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 120.]

A N A C T

To authorize Caroline Stocker, widow of John Clements Stocker, deceased, to sell and convey certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful to and for Caroline Stocker, widow of John Clements Stocker, the younger, deceased, upon giving satisfactory security to the Orphan's Court of the city and county of Philadelphia for the proper application and investment of the moneys arising therefrom, to sell and dispose of all that certain three story brick message and lot of ground situate on the south side of Prune street between Delaware Fourth and Fifth streets, in the city of Philadelphia, containing in front on said Prune street, including a five feet wide alley, twenty-nine feet, and extending in length or depth southward eighty-four feet, and containing in breadth or the southwardly end forty-three feet, and also a brick message and lot of ground, situate at the south-east corner of Fourth and Tammany streets, containing in front or breadth on said Fourth street eighteen feet, and in length or depth eastward forty-seven feet to a three feet wide alley, together with the privilege of said alley and of building under and above it, subject to the payment of a yearly ground rent of fifty-three dollars and twenty-five cents, as fully as if the fee simple thereof were vested in herself, individually, and the proceeds thereof arising from the sale of the same or any part thereof, to invest under the directions of the Orphan's Court for the city and county of Philadelphia, in such securities as the said court shall approve, and the interest and income of the said moneys so invested shall be received by the said Caroline during her life, and the principal of the same after her decease shall go and descend according to the provisions of the last will and testament of the said John Clements Stocker the younger.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

Caroline
Stocker to
sell real estate

Proceeds of
sale how in-
vested

[No. 121.]

AN ACT

To incorporate the Bernville Academy of Berks county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the Academy hereby incorporated shall be known by the name, style and title of "The Bernville Academy," and shall be under the management, direction and government of the present stockholders, to wit: Michael K. Boyer, John Haag, Jacob Kaufman, William Runkle, John Potteiger, M. Herpel, G. Mennig, George Byerle, A. A. McDonough, Jonathan Miller, David Renno, Frederick Byerle, Henry Wittman, Daniel Spangler, John Yeager, John Geiss and such others as may hereafter take stock and their successors.

Incorporated.
Name and
style.

Trustees.

SECTION 2. The said stockholders and their successors shall for ever hereafter be, and they are hereby erected, established and declared to be, one body politic and corporate, with perpetual succession, and with all the incidents of a corporation, in deed and in law to all intents and purposes whatsoever, by the name, style and title of "The stockholders of the Bernville Academy," by which name and title the said stockholders and their successors shall be able and capable at law and in equity to take to themselves and their successors for the use of the said academy any estate, in any messuages, lands, tenements, hereditaments, goods, chattles, moneys or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest of any person or persons whatsoever. And the said corporation by its name, style and title, shall have power to sue and be sued, implead and be impleaded, in any of the courts of law or equity within this commonwealth.

Privileges &
franchises.

SECTION 3. The said stockholders may cause to be made for their use one common seal, with such devices and inscriptions thereon as they shall see proper, and the same to alter at their pleasure, and by and with which all deeds, certificates and acts of the corporation shall pass and be authenticated.

Seal.

SECTION 4. The officers of the said corporation shall consist of a president, secretary, treasurer, and three superintendents, who shall be elected on the first Saturday in May next,

Officers and
annual elec-
tion.

- and on the same day annually, thereafter, at the academy in the town of Bernville, by the stockholders of said institution, and each stockholder shall be entitled to one vote for each share of capital stock which he or she shall or may hold at the time of the election, and he or she may vote either by proxy or in person.
- Vote.**
- Of capital stock and increase.** SECTION 5. The capital stock of the said company shall consist of fifty shares, of twenty dollars each, with the privilege of raising them to fifty dollars each, if deemed necessary by the said stockholders, payable by instalments of five dollars on each, at such times as may be agreed upon by a majority of the stockholders; and the president and treasurer shall make out certificates of stock, signed by them and sealed with their corporate seal, and deliver one such certificate to each stockholder for every share by him held, on his or her paying to the treasurer on each share one half of its amount, which certificate shall be transferable in person or by attorney on the books of the said company, only subject to the sum due or to become due on the shares so transferred.
- Certificate of stock.**
- Transferable.**
- Quarterly meeting of stockholders.** SECTION 6. There shall be a meeting of the stockholders at the academy at the termination of each quarter of the school; due notice of which shall be given by the secretary, at least three days previous thereto, and a majority of them shall constitute a quorum to do business, whose duty it shall be to examine the pupils in the different branches of their studies, to settle all matters in dispute between the teacher and the scholars, or their parents or guardians, and the said stockholders shall have liberty to adjourn from time to time as they may deem proper for the purpose of transacting the business relative to the school.
- Notice thereof.**
- Examination of pupils.**
- Of by-laws.** SECTION 7. The said stockholders, or a majority of them, at each meeting may enact such by-laws, rules and regulations for the government of the school as they shall deem proper; *Provided*, That the said by-laws, rules or regulations be not contrary to the constitution and laws of the United States or of this commonwealth.
- Proviso.**
- Notice of annual election.** SECTION 8. Notice of the annual election for officers shall be given by the secretary, either in writing to each stockholder, or by advertisement in three of the most public places in the town, at least ten days previous to the time of holding such election. And if it shall at any time happen that no election shall be held on the day and in the manner hereinbefore described, the chartered privileges of this corporation shall not for that cause be forfeited, but the officers last elected and in office shall remain in office until others shall be duly elected.
- In case of no election.**
- Of absence or refusal of officers to serve.** And in case of absence or refusal of either of said officers, to act, it shall be the duty of the secretary to notify the stockholders thereof, who may order another election, to be held within one month after such notice, which shall be conducted in all respects as hereinbefore provided for.

SECTION 9. No misnomer of said corporation shall defeat Misnomer. or annul any gift, grant, devise or bequest to or from the said corporation; *Provided*, That the intent of the parties shall *Proviso*. sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to or from said corporation.

SECTION 10. That the said corporation shall not be entitled to receive the annual appropriation made to academies, under the fourth section of an act, passed the twelfth of April, one thousand eight hundred and thirty-eight, entitled a supplement to an act to consolidate and amend the several acts relative to a general system of education by common schools, passed the thirteenth day of June, one thousand eight hundred and thirty-six. Not to receive annual appropriation.

WM. HOPKINS,
Speaker of the House of Representatives.

W. T. ROGERS,
Speaker of the Senate.

APPROVED—The eighth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 122.]

A N A C T

To incorporate the Wysox Academy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That there shall be, and is hereby established in the township of Wysox, in the county of Bradford, an academy in my or public school for the education of youth, in the English Academy incorporated. and other languages, and in the useful arts, sciences and literature, by the name, style and title of the "Wysox Academy;" the said academy to be under the direction, management and Name, style and title. government of a board of trustees, not exceeding eight in number, five of whom shall be a quorum for the transaction of bu- Quorum.

Privileges &
franchises.

siness, which said trustees and their successors shall be, and they are hereby erected, established and declared to be a body politic and corporate, with perpetual succession, and with all the incidents of a corporation, in deed and in law, to all intents and purposes whatsoever, by the name, style and title of the trustees of the Wysox Academy, by which name and title the said trustees, and their successors, shall be able at law and in equity to take to themselves and their successors, for the use of the said seminary, any estate, messuages, lands, tenements, hereditaments, goods, chattels, moneys or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, of any person or persons whatsoever, and the same messuages, lands, tenements, hereditaments, goods, chattels, moneys and estates, real and personal, to grant, bargain, sell, convey, assure, demise, and to farm, let or otherwise dispose of, or invest in such manner as to them, or a quorum of them shall seem most beneficial to the institution, and to receive the rents, issues, profits, and income and interest of the same for the use of the said seminary; and by the same name to sue, prosecute and defend, implead and be impleaded in any courts of law or equity, and in all manners of suit and actions whatsoever, and generally by and in the same name to do and transact all and every the business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person has power to manage his own concerns.

Seal.

SECTION 2. The said trustees shall cause to be made for their use one common seal, with such devices and inscriptions thereon as they shall think proper, by and with which seal all deeds, certificates, and acts of the said corporation shall be authenticated, and the same seal the said trustees may at their pleasure break and alter, and also if they think proper devise a new one.

Trustees.

SECTION 3. Harry Morgan, William Myer, Joseph M. Piollet, Joseph M. Bishop, Harry N. Spalding, Victor E. Piollett, Daniel Coolbaugh, and David H. Owen, are appointed trustees of said corporation, which said trustees or any five of them shall constitute a quorum for the transaction of business, and shall have power to fill any and all vacancies which may occur in their body, for the term of five years from the first Monday of July next, at the expiration of which term of five years eight trustees shall be elected annually, under such rules and regulations as shall be adopted by the said corporation for that purpose.

Vacancies.

General powers of trustees.

SECTION 4. The said trustees shall have the power of making and enacting ordinances for the government of the said seminary, of electing and appointing the teachers of the said seminary; of agreeing with them for their salaries and stipends, and of removing them for misconduct, breaches of the

ordinances of the institution or other causes, which shall be deemed sufficient; of appointing committees of their own body to carry into execution all and every the resolutions of the board; appointing all such officers as they may find necessary for managing the corporation; of providing for the punishment of all violations of the rules, regulations or ordinances of the seminary, and generally at any annual, adjourned or extra meeting, shall determine all matters and things which shall occasionally arise, or be necessary to be determined by said trustees: *Provided*, That no ordinances or regulation shall be of any force, which is repugnant to the constitution and laws of the United States or of this commonwealth. Proviso.

SECTION 5. No misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest, to or from the said corporation: *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to or from said corporation. Misnomer. Proviso.

SECTION 6. That nothing in this act, or any other law of this commonwealth, shall entitle the institution hereby incorporated to receive the appropriation heretofore granted to academies and female seminaries, by the fourth section of the act of the twelfth day of April, eighteen hundred and thirty-eight, entitled a supplement to an act to consolidate and amend the several acts relative to a general system of education by common schools, passed the thirteenth day of June, eighteen hundred and thirty-six. Not to receive annual appropriation.

SECTION 7. The legislature reserves the right to revoke, alter, or annul the charter hereby granted, at any time they may think proper. Right to re-
peal, &c.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 123.]

AN ACT

To extend the charter of the Wyoming Bank at Wilkesbarre.

Preamble.

WHEREAS in pursuance of the twenty-fifth section of the first article of the amended constitution, and of the provisions of the act to prescribe the manner of giving notice of application for banks, passed the first day of June, one thousand eight hundred and thirty-nine, notice was given on behalf of the stockholders of the Wyoming Bank at Wilkesbarre, that application would be made to the next legislature for the renewal of the charter of said institution for twenty years, by the title of the Wyoming Bank at Wilkesbarre, to be located at Wilkesbarre, in Luzerne county, and the capital to remain the same as at present, one hundred and fifty thousand dollars, by causing a notice of such intended application to be advertised in two newspapers, printed in said county of Luzerne, where such corporate body is located, once a week in each paper for six months immediately before the meeting of this legislature, and also in one paper printed in the borough of Harrisburg in like manner and for a like period: *And whereas*, The charter of said bank will expire on the first day of November next, unless extended; Therefore,

Charter extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the charter of the Wyoming Bank at Wilkesbarre, shall be, and the same hereby is continued and extended for the term of ten years, from the expiration of the present charter, subject to all the provisions now imposed upon the said bank by the existing laws of this commonwealth, and also subject to such further provisions as the legislature may hereafter think proper to enact for the regulation of banking institutions.

Right to annul.

SECTION 2. The legislature hereby reserve the power to alter, revoke or annul the charter of the said bank whenever in their opinion it may be injurious to the citizens of the commonwealth, in such manner however that no injustice shall be done to the corporators thereof.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 124.]

A N A C T

To incorporate the Free-Will Baptist and Congregational Church of Jackson township, Susquehanna county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the members of the Free-Will Baptist Church, and the members of the Congregational Church and their respective societies in the township of Jackson, Susquehanna county, shall be and are hereby created into one body politic, by the name of the Free-Will Baptist and Congregational society of Jackson, and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere, and shall be able and capable in law and equity to take and hold to them and their successors for the use of said society one house and lot, and to enlarge and improve the same as may be directed by a majority of the society that may be present at any meeting which may be held for that purpose, of which meeting at least two weeks notice shall be given from the pulpit or in any other way that a majority of the trustees may direct, and to finish and complete any building as aforesaid, that may be commenced, or for the erection of which any contract or contracts may be made, and generally to do all and singular the matters and things which may be lawful for them to do for the well-being and management of the affairs thereof; *Provided*, That the clear yearly value or income of said estate shall not exceed five hundred dollars. The trustees of said society shall be six in number, and, until others shall be appointed or chosen, they shall choose from their number a president and secretary, and they shall also choose a treasurer from among the society who is not a trustee, and who shall, if required by the trustees of said corporation, give sufficient security for the trust reposed in him, and shall account to said trustees for all sums of money received by him or remaining in his hands at any time; and in case of the removal of the president or any of the trustees by death, resignation or otherwise, the vacancy

Church in-
corporated.

Name.

Privileges &
franchises.

Proviso.

Yearly in-
come limited.

Number of
Trustees.

Officers.

Treasurer to
give security.

Vacancies.

or vacancies shall be supplied by the remaining trustees or trustee till the next annual election, and the following named persons shall be trustees, viz: Nathaniel Norris, Stephen Mann, Sebra Briant, William H. Bartlett, Merrit Coughlan, and Nelson French, to continue in office till the first Monday in January, one thousand eight hundred and forty-one, on which day the members of said society shall elect six trustees, to continue in office one year, or until others shall be elected or appointed to fill their places. The said trustees and their successors shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for the regulation and transaction of the business of the society, and to make, have and use a common seal, and the same to break, alter and renew at their pleasure. If the society neglect on the day of annual meeting to hold their election the society shall not be dissolved, but the majority of the trustees may appoint any subsequent time on which the election may be held; *Provided*, That notice thereof be given from the pulpit, or in such other manner that a majority of the trustees may think proper to direct, at least two weeks before said election; *And provided also*, That the said by-laws and ordinances shall not be inconsistent with the constitution of this State or of the United States; *Provided, also*, That the seal of the corporation shall not be affixed to the sale of the house and lot unless such sale be approved of at a meeting of the society, held after two weeks notice of the same shall have been given, as aforesaid; and upon two-thirds of the members present at such meeting approving of the sale and conveyance as aforesaid, the said trustees shall affix the corporate seal of the society to the conveyance of the said real estate, and the same shall be valid in law; *Provided*, That any person that is not a church member may become a member of said society and eligible as a trustee, shall pay to the treasurer for the benefit of the society a sum not less than one dollar annually.

WM. HOPKINS,

Speaker of the House of Representatives,

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighth day of April, one thousand eight hundred and forty,

DAVID R. PORTER.

[No. 125.]

AN ACT

To authorize the trustees created by the last will and testament of John Donaughey, deceased, to invest the moneys belonging to the estate of the decedent, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Lane Schofield and Dennis Sweeny, the trustees created by the last will and testament of John Donaughey, late of Washington county, in this commonwealth, Trustees to deceased, and their successors, be and they are hereby authorized to invest moneys sized and empowered, from time to time, to invest the moneys which they have received, or may receive under the said last will, in the purchase of real estate, or in ground rents or mortgages, issuing out of or secured by real estate, situate in this commonwealth, or in the public stocks of this state or of the United States, for the same uses and for the same trusts as are created by the said will: *Provided,* That before any such investment is made by the said trustees, or their successors, they shall obtain the approbation of the court of Common Pleas of the county of Philadelphia, which court is hereby empowered to make such orders and decrees as they may deem necessary from time to time to secure the faithful application of said moneys, for the benefit of those interested under the said will. Proviso.

WHEREAS it has been represented to the legislature, that Reuben Haines, late of Germantown, in the county of Philadelphia, deceased, was in his life time seized in fee simple of a certain lot of ground, situate at the south west corner of Marshall and Parish street, in the district of Spring Garden, and county of Philadelphia, containing in front on said Marshall street two hundred and thirty-two feet two inches and a quarter of an inch, and in depth, at the north end on Parish street twenty-two feet one inch and three quarters of an inch, and at the south end thereof, at right angles with the said Marshall street fifty-eight feet seven inches and one eighth of an inch, be the same more or less, which lot is now, by the will of the said Reuben Haines, duly registered in the office of the register of wills, for the city and county of Philadelphia, vested in fee simple in the children of the said Reuben Haines, Preamble.

some of whom are minors under the age of twenty-one years ; and it has been further represented that it would be for the interest of the said children, and also that it would promote the improvement of that part of the district in which the said lot is situated, if an exchange could be effected of certain portions thereof, and parts of the adjoining ground : Therefore,

Guardians of
minor child-
ren of Reuben
Haines au-
thorized to
exchange
certain pro-
perty in Phil-
county.

SECTION 2. That Jane B. Haines, Daniel B. Smith, and James P. Parke, surviving guardians of the minor children of the said Reuben Haines, named in his last will and testament, be and they are hereby authorized and empowered for, and on behalf of the said minors, to contract for, make, and execute with the owner or owners of the land adjoining the lot of ground above described, an exchange of such part or parts of the said described lot as in their judgment may be for the advantage of the said minor children, and thereupon on the part and in behalf of the said minor children, to make and execute, sign, seal and deliver, and also on their part and behalf, and in their names, to accept all deeds and assurances in the law necessary and proper for vesting in the parties to such exchange an estate, in fee simple, in the land respectively conveyed, which exchange, when so completed, shall have the same force and effect as if the said minor children had been of full age, and had themselves executed deeds for the same : *Provided*, That the said exchange be approved by the Orphan's court of the city and county of Philadelphia.

Fee simple.

Proviso.

Sarah Cham-
bers authori-
zed to sell cer-
tain property.

SECTION 3. That Sarah Chambers, guardian of James S. Chambers, minor son of William Chambers, late of York county, deceased, be and she is hereby authorized to sell at public or private sale, and convey the same, all the right, title and interest of the said James S. Chambers, of, in and to a certain lot, piece or parcel of land, situate, lying and being at Middlesex, in the township of North Middleton, in the county of Cumberland, bounded by the Letart Spring on the lands of Charles B. Penrose, and the heirs of George Blaney, deceased, and by the mill race of the said Charles B. Penrose, and the said heirs leading to their fulling and plaster mills, at Middlesex aforesaid, containing three acres, more or less, the said interest being an undivided interest in the same : *Provided*, That the said Sarah Chambers shall give security in the Orphan's court for the county of Cumberland, for the faithful execution of the power hereby committed to her, and for the proper application of the proceeds of the sale of the said real estate.

Proviso.

First Baptist
Church, Erie,
Pa., to sell
certain pro-
perty.

SECTION 4. That from and after the passage of this act, the trustees of the First Baptist Church and Society of the borough of Erie, Pennsylvania, be and they are hereby authorized to sell and convey a part of that certain lot or piece of ground, situate on Peach street, in the borough of Erie, in the county of Erie, being numbered in the general plan of the in

and out lots of said borough, with the number two thousand five hundred and seventy-six, beginning forty-feet from the north east corner on Peach street; thence southwardly along Peach street forty-two and one half feet; thence westwardly at right angles eighty-two and one half feet; thence northwardly forty-two and one half feet; thence eastwardly eighty-two and one half feet to the place of beginning, containing about one-fourth of said lot, number two thousand five hundred and seventy-six, and the trustees of the First Baptist Church and Society of the borough of Erie, aforesaid, are hereby authorized to sell and convey the same, at public or private sale, as shall be most advisable, and shall make good and sufficient deed or deeds to the purchaser or purchasers thereof, the proceeds to be applied to the extinguishment of certain judgments against said church and society.

Trustees may
sell at public
or private
sale.

SECTION 5. That George Passmore, guardian of Jesse Bond and Elizabeth Ann Bond, minor children of Charles Bond and Elizabeth Bond, of the county of Washington, Pennsylvania, be and is hereby authorized and empowered to make and execute a deed of conveyance to John Worrel, for a tract of land, situate in the county of Washington, Pennsylvania, for all the interest which his said wards have in said tract of land, containing sixty-eight acres, strict measure, agreeably to the provisions and conditions of an article of agreement entered into by Elizabeth Bond, deceased, late of said county, mother of said wards, in conjunction with her said husband Charles Bond, on the twentieth of April, Anno Domini, one thousand eight hundred and thirty-six, for the sale of said tract of land to John Worrel.

Guardian of
minor child-
ren of Charles
Bond to make
deed to John
Worrel.

SECTION 6. That the administrators of James Hanna, deceased, late of the state of Ohio, be and are hereby authorized and empowered to make and execute a deed of conveyance to Temperance Day and George W. Day, agreeably to the terms of an article entered into the fifteenth of February, Anno Domini, one thousand eight hundred and thirty-three, between the said James Hanna, and Temperance and George Day, for a tract of land in Morris township, Washington county, Pennsylvania, adjoining lands of Jonathan Hoyden, George Baird and others, containing ninety-five acres, more or less: *Provided*, That before the execution of the same, the said administrators shall make satisfactory proof in the Orphan's court of the county of Washington, of the execution of said contract, agreeably to act of assembly, in such case made and provided: *Provided*, That the purchase money for the same shall be paid before the execution of the same.

Administra-
tors of James
Hanna to
execute deed
Proviso.

To prove
contract.
Proviso.

SECTION 7. That it shall be the duty of the Orphan's court of Chester county, and it is hereby authorized and empowered to appoint some judicious person as trustee to act for Mary Davis, the wife of Charles J. Davis, of said county, and when-

Chester co.
Orphans'
Court to ap-
point trustees
for Mary
Davis.

Duty of trustee.

ever the said Charles Davis, shall contract for the sale of any real estate, which has or may descend to him from any of his ancestors, or which he may acquire by devise or purchase, situate in the state of Pennsylvania, it shall be the duty of the trustee so appointed to examine the same, and if it shall appear to the said trustee that the said contract is made in good faith, and not with a design to prejudice the interest of the said Mary Davis, he shall signify his assent to such contract in writing, upon any deed or deeds hereafter to be made by the said Charles J. Davis, and the deed or deeds so made and assented to by the said trustee, and acknowledged by him in the manner now required by law for the acknowledgment of deeds, shall vest the estate thereby granted by the said Charles J. Davis in the purchase, as fully to all intents and purposes as if said Mary Davis were competent to execute the same, and had duly executed and acknowledged the said deed according to law. The said court shall have power, whenever it may deem necessary, to remove the said trustee, and in case of the removal, death, absence, inability or unwillingness to act of any trustee, such court shall appoint another person as trustee, and as often as in the opinion of the court occasion may require.

Power of court.

Preamble.

WHEREAS Wentz's German Reformed Congregation of Worcester township, Montgomery county, commonly called Wentz's Church and Boem's German Reformed Congregation of Whitepain township, in said county, commonly called Boem's church, and now incorporated by the name of Boem's German Reformed Congregation, have long jointly owned a certain parsonage house or messuage, and glebe or two tracts of land, situate in the township of Whitepain aforesaid, and mutually received and enjoyed the issues and profits thereof : *And whereas*, the said premises have become much out of repair, and the buildings delapidated, and have ceased in their present condition to be of any benefit to the said congregation, and the said congregations are desirous of having the said premises sold, and the proceeds divided between them, that they may derive some benefit from said property : Therefore,

SECTION 8. That the parsonage house, or messuage and glebe, or two tracts of land situate in Whitepain township, Montgomery county, the one thereof on which the said messuage is erected, bounded by the Skippack road, and lands of Charles Wood, George Greenawalt, John Lutz, and Henry Hurst, containing by a recent survey forty-eight acres thirty-two perches, the other bounded by the said road and by lands of Charles Wood, William Hurst, John Shearer, David Thomas, and George Greenawalt, containing by a late survey fourteen acres one hundred and fifteen perches, which were granted and confirmed by William Zimmerman, John Zimmerman, and Christian Betz and their respective wives, by

indenture, dated the twenty-seventh day of January, Anno Domini, seventeen hundred and seventy-six, to Jacob Wentz, Philip Wentz, Henry Conrad, John Edridge, Peter Troxell, and John Martin, in fee in trust for and which are now owned by Wentz's German Reformed congregation of Worcester township, in said county, commonly called Wentz's Church, and by Boem's German Reformed Congregation, of Whitepain township, aforesaid, commonly called Boem's Church, now incorporated by the name and style of Boem's German Reformed congregation, be and the same are hereby vested in the trustees of the said congregations in fee, in trust for the use of the said congregations, and the trustees of the said congregations, or a majority of the trustees of each, are hereby authorized and empowered to sell the above mentioned and described parsonage house or messuage, and glebe or two tracts of land at public or at private sale, either together or in parts, as they may deem most advantageous, for the highest and best price they can obtain for the same, and to execute and deliver a deed or deeds for the same to the purchaser or purchasers thereof in fee simple, upon the payment of the purchase money to said trustees, and upon the execution and delivery of the said deed or deeds, all the right, title, interest and property of the said congregations and every member thereof, in said real estate, shall vest in the purchaser thereof, their heirs and assigns forever. It shall be the duty of the said trustees, after deducting the necessary expenses of the sale of the said real estate, to pay the balance of the proceeds thereof to the said congregations, respectively, in equal sums, to be loaned out on interest, or otherwise appropriated, as they may deem most advantageous for said congregations.

Trustees of
Wentz's
church and
Boem's
church, in
Montgomery
county, au-
thorized to
sell certain
real estate, &
divide the pro-
ceeds equally
between said
congregations

WHEREAS Henry Stover and Peter Zorger, the committee Preamble.
of the person and estate of John Jacoby, of Conewago town-
ship, in the county of York, an habitual drunkard, have repre-
sented to the legislature that they they have filed and settled
an account of their trust which exhibits a balance in their
hands of four hundred and twenty-four dollars and forty cents,
which balance or part thereof it would be to the interest and
benefit of the said John Jacoby and his wife and children,
should be invested in real estate for the use of himself and
family ; Therefore,

SECTION 9. That in case the court of Common Pleas of York county shall decree that in the opinion of said court it would be for the benefit and advantage of the said John Ja-
coby and his wife and children, to invest the said sum of York county,
four hundred and twenty-four dollars and forty cents, or any authorized to
part thereof, in the purchase of any certain real estate men- invest a cer-
tioned and described to said court by the said Henry Stover tain sum of
and Peter Zorger, as committee of the person and estate of money in real
the said John Jacoby, an habitual drunkard, that then the said property.

Henry Stover and Peter Zorger, as committee aforesaid, are hereby authorized and empowered so to invest the said sum, or any part thereof, and to take and receive a deed of conveyance to the said John Jacoby and his heirs, vesting such said certain real estate in the said John Jacoby and his heirs, which said decree the said court of Common Pleas of York county are hereby authorized and required to make, if, in their opinion, the so vesting of said sum or any part thereof would be for the benefit and advantage of the said John Jacoby and his wife and children.

Preamble.

WHEREAS it appears that the German Lutheran Congregation of the borough of Huntingdon, and its vicinity, in the county of Huntingdon, owning a certain interest and estate in and to four certain lots, lying on the northern side of Church street, in said borough, numbered or intended to be numbered two hundred and thirty-nine, two hundred and forty, two hundred and forty one, and two hundred and forty-two, each of the length of two hundred, and the breadth of fifty feet; and also owning a certain other lot of ground in said borough, situate on the corner of Moore and Montgomery streets, lying on the easterly side of Montgomery street, and being of the length of four hundred feet, and the breadth of one hundred feet, became indebted a number of years ago to Henry Miller and Michael Africa, late of said borough, both of whom are now dead, for the erection of a brick church on one of said lots, numbered two hundred and thirty-nine, the amount of such indebtedness having been fixed and determined in a certain suit in the court of Common Pleas of Huntingdon county, number thirty-four of November term, one thousand eight hundred and twenty-four, by Christian Coldstock, for the use of the representatives of Henry Miller and Michael Africa before named, against John Whittaker and others: *And whereas*, the said German Lutheran congregation, for a number of years last past, has become extinct and ceased to exist as a congregation, by reason of all the members thereof having either died, removed from said county, or become attached to some other denomination of christians, in consequence whereof there is no person or persons against whom suit can be brought, or process issued to enforce the payment of said indebtedness and claim, and the legal representatives of the said Henry Miller and Michael Africa, are without remedy in law: Therefore,

2d Preamble.

Sheriff of Huntingdon county to sell certain real estate.

SECTION 1. That the sheriff of Huntingdon county is hereby directed and required, on the passage of this act, or soon thereafter as conveniently may be, to advertise and sell in the manner directed by law in the case of sheriff sales, the interest, right, title and estate of the said late German Lutheran congregation of the said borough of Huntingdon, and its vicinity, of, in and to the said brick church and five lots of ground, sit-

uate in said borough of Huntingdon, four of said lots lying on the northerly side of Church street, and numbered or intended to be numbered two hundred and thirty-nine, two hundred and forty, two hundred and forty-one, and two hundred forty-two, in the plan of said borough, and the other of said lots of ground being situate on the corner of Moore and Montgomery streets, on the easterly side of Montgomery street, and to make, execute and acknowledge his deed or deeds therefor to the purchaser or purchasers thereof, and after deducting the costs of sale, as in other cases of sheriff's sale for like services, to pay over to the administrator of the said Henry Miller, deceased, and the executors of the said Michael Africa, deceased, the residue of the proceeds of such said sale or sales, in such proportions as they are respectively entitled thereto, and the court of Common Pleas of said county of Huntingdon, is hereby authorized and required to take and receive the acknowledgement of said deed or deeds, on such sale or sales being so made.

SECTION 11. That so much of any act or acts of the general assembly of this commonwealth as have annexed or added certain islands in the Susquehanna river, now the property of Alanson B. Smith, lying between the townships of Ulster and Sheshequin, in the county of Bradford, to the said township of Sheshequin, is hereby repealed, and the said islands are hereby annexed to and declared to be a part of the said township of Ulster, and shall hereafter be assessed as other property in the said township, of which they are hereby declared to be a part, and the taxes on the same paid to the collector thereof.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 126.]

A N A C T

To amend an act, entitled an act to authorize the administrators of Henry Mineum, late of Crawford county, deceased, to sell and convey certain real estate, and for other purposes, passed the second day of July, Anno Domini, one thousand eight hundred and thirty-nine, and for other purposes.

Preamble.

WHEREAS, an error occurred in the second section of the act, to which this is an amendment, by writing the name Samuel Keiffer, where the same should have been written Samuel Peiffer, to remedy which :

Administra-
tors of Henry
Mineum to
make deed to
Sam'l Peiffer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the administrators named in the first section of the act, to which this is an amendment, be and the same are hereby authorized to make and execute a deed of conveyance to Samuel Peifer, of said county of Crawford, for the lot of ground mentioned in said second section of said recited act, to have the same effect, and to be done under the same rules, provisions, regulations and restrictions, as contained in the aforesaid second section of said act, and so much of the same act as authorizes such deed to be made by said administrators, to Samuel Keifer, be and the same is hereby repealed.

Repeal.

Trustees of
estate of C.
Wharton, de-
ceased, au-
thorized to
sell life estate
of Wm. Craig
therein.

SECTION 2. That the trustees or trustee, for the time being, of that part of the real estate of Charles Wharton, late of the city of Philadelphia, deceased, devised by him in trust, for the use of his late daughter, Sarah R. Craig, deceased, her husband and children shall have power, notwithstanding the decease of the said Sarah R. Craig, to grant and convey, during the natural life of William Craig, the surviving husband of the said Sarah R. Craig, all and any of the lots of ground, and any part or parts thereof, so as aforesaid devised, to any persons whatsoever in fee simple, reserving as the entire consideration thereof, a perpetual annual rent or rents, payable half yearly, and redeemable or extinguishable within any number of years, not less than ten years, from and after the execution of the said conveyance, respectively, by the payment of a sum of money not less than sixteen years and two-thirds of a year, purchase of the said annual rents respectively : *Provided always, That*

Payments
how made.

Proviso.

the said William Craig, the surviving husband of the said Who shall
 Sarah R. Craig, deceased, the said Mary I Craig, and such join in con-
 other child or children of the said Sarah R. Craig, as may be veyance.
 of the age of twenty-one years, at the time of the execution of
 such conveyances, and the guardian, for the time being of such
 of the said children as shall be under the age of twenty-one Rents how
 years, shall join in such conveyances in manifestation of their disposed of.
 approbation thereof: *And provided further*, That the rents so
 reserved, shall be disposed of and paid over in the manner
 directed by the said will, as to the rents, issues, and profits of
 the other parts of the real estate of the said Charles Wharton,
 deceased, devised in trust for the use of the said Sarah R. Craig,
 her husband and children: *And provided further*, That the
 money paid on the redemption or extinguishment of any of the Process how
 said rents, shall be received by the said trustees or trustee, for invested.
 the time being, by whom the release of the said rent shall be
 executed, and when received, the said money shall be by them
 or him invested under the authority of the Orphans Court of
 the county of Philadelphia, in debt of the United States, or of
 the State of Pennsylvania, or of the city of Philadelphia, or in
 real securities in their names or name in trust, both as to princi-
 pal and interest for the same persons, estates, uses and trusts,
 as are declared in the said will of and concerning the said lots Trusts dis-
 of ground, and the rents, issues and profits thereof: *And pro- charged.*
vided further, That such trust estates shall be taken and held
 by the purchaser or purchasers thereof, discharged from the
 trusts aforesaid, and without any liability on the part of such
 purchaser or purchasers as to the application or misapplication
 of the purchase money.

WHEREAS, by an act of Assembly of this commonwealth,
 passed the eighteenth day of March, Anno Domini, one thou-
 sand eight hundred and thirty-four, entitled an "act to authorize
 the corporation of Saint Martin's Church, Marcus Hook, to sell Preamble.
 certain real estate, and for other purposes;" James Kelton,
 surviving administrator to the estate of Samuel Cochran, late of
 the county of Chester, deceased, was authorized to sell and
 convey the real estate of said deceased, situate in the counties
 of Clearfield, Crawford, Erie, Tioga and Mercer, in the State
 of Pennsylvania: *And whereas*, by a construction put upon said
 act, it is believed that said James Kelton, was only empowered
 to sell so much of said real estate as would discharge the debts
 due from said Samuel Cochran: *And whereas*, the heirs of
 the said Samuel Cochran, by their petition, represent that their
 wish is that Joshua B. Linton, of Upper Oxford township, in
 the county of Chester, may be authorized to sell all the real
 estate of the said Samuel Cochran. Therefore

SECTION 3. That Joshua B. Linton, of the township of
 Upper Oxford, in the county of Chester, is hereby authorized

Joshua B. Linton authorized to sell all the estate of Samuel Cochran, deceased.

Bond.

Court to confirm sale.

Proceeds how distributed.

to sell at public or private sale, as to him shall seem expedient, all the real estate of the said Samuel Cochran, late of West Fallowfield, in the county of Chester, deceased, situate in the counties of Clearfield, Crawford, Erie, Tioga and Mercer, or in any other counties of this commonwealth, and fully and effectually to convey the same, either in whole or in part, to the purchaser or purchasers thereof: *Provided however*, That before any such sale or sales, the said Joshua B. Linton, shall enter into bond with sufficient security, for the faithful performance of the trust hereby conferred, to be approved by the Orphans Court of Chester county, : *And provided further*, That before such sale or sales shall be valid, they shall be confirmed by the court aforesaid. That the said Joshua B. Linton, is hereby empowered to perform and fulfil any contract of sale, for any part of said lands, entered into by the said James Kelton, or the said Samuel Cochran, in his life time, and to do and perform all acts necessary to be done and performed, to perfect and secure to the purchaser or purchasers of any part thereof, good and sufficient title or titles to the same: and so much of the fifth section of the act entitled an act to authorize the corporation of St. Martins' church, Marcus Hook, to sell certain real estate, and for other purposes, as is hereby altered or supplied is hereby repealed: and the said Joshua B. Linton, is hereby authorized and empowered to collect all debts due, or which may become due for the said lands, so sold or to be sold, and give sufficient acquittances or discharges for the same; and he shall from time to time pay, under the direction of the said court, to the respective heirs or legal representatives of the said estate as may be entitled to receive the same, such moneys as may be paid to him for such lands.

Preamble.

WHEREAS, it has been represented to the Senate and House of Representatives of this commonwealth, that John C. Craig, late of Philadelphia county, on or about the twenty-ninth day of April, one thousand eight hundred and thirty-seven, died intestate, seized in fee simple of two tracts of land, in said county, one of them containing eighty-four acres one hundred and two perches, more or less, and the other containing six acres, thirty two perches, with the buildings and improvements, ways, easements and appurtenances, which had been conveyed to him by deed of the twenty-eighth day of December, one thousand eight hundred and thirty, recorded in said county, in deed book A. M. number six, page four hundred and sixty-five, leaving a widow, Jane Josephine, and issue, two sons, James and John C., of whom James died on or about the eighteenth day of May, one thousand eight hundred and thirty-seven, intestate, unmarried and without issue, leaving his mother, the said Jane Josephine and brother, the said John C. Craig, the younger an infant surviving him, and that it will be beneficial to the said widow and

infant that the said real estate be sold as hereinafter authorized. Therefore

SECTION 4. That Thomas Dunlap, guardian of the said John C. Craig, the younger, shall have power and authority, at public or private sale, to sell and dispose of the whole estate and interest of his said ward, present and expectant, in the whole or any part or parts of said real estate, and to convey the same to the purchaser or purchasers, his, her or their heirs and assigns, in fee simple, and to give receipts for the consideration money or monies which shall fully and finally acquit and discharge all persons paying the same: *Provided*, That the said power and authority shall not be exercised during the life time of the said Jane Josephine, unless she shall unite in any and every such sale and disposal, and at the same time and times convey to the purchaser or purchasers aforesaid, all her estate and interest in the said premises: *And provided*, That the entire purchase money or monies of the united estates of the said Jane Josephine and John C. Craig, the younger, the one third part shall be received and held by said guardian for the use of his said ward, and the other two-thirds shall be invested by the said guardian in trust, that during the life of said Jane Josephine, she may receive the income thereof, and that at her death the capital may be held for the use of his said ward: *Provided also*, That upon any and every sale and disposition to be made by virtue of this act, the said guardian shall give bond in double the amount of the purchase money, with surety, to be approved by the Orphans' Court of said county, conditioned for the faithful application of the same, or of such portion or portions thereof as shall be received by him, under or by virtue of this act.

Guardian of John C. Craig to sell whole estate and interest.

Conditions of sale.

Money how disposed of.

Bond.

SECTION 5. That George B. Markley, administrator of the estate of John Markley, late of the borough of Strasburg, Lancaster county, deceased, and formerly a collector of militia fines, in the second brigade, fourth division, Pennsylvania Militia, shall be and he is hereby authorized, empowered and directed, to pay the claims of individual judgment creditors having claims against the estate of the said John Markley, deceased, before the amount due and owing to the commonwealth is discharged; and if any assets are left, after the liquidation of said demands, then to apply the same to the discharge of the claim of the state against the estate of the said John Markley, deceased, as the same appears from the records of the district court for the city and county of Lancaster; and the account of the said George B. Markley, upon the estate of the said John Markley, deceased, shall be allowed and passed by the Orphan's court of Lancaster county, as if the claims of the said individual creditors had not lost their precedence by reason of their neglect to have them revived by scire facias:

Administrators of John Markley's estate to pay certain creditors in preference to commonwealth.

Administrators act.

Proviso.

Provided, That nothing herein contained shall be so construed as to prevent the filing of any other objection to the settlement of said account in the usual manner.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The ninth day of April, eighteen hundred and forty.

DAVID R. PORTER.

[No. 127.]

A N A C T

For the extension of a State Road, from the Virginia State line, near the town of Blacksville, to the town of Waynesburg, in Greene county, and for other purposes.

Commissioners to view state road from Waynesburg to the Virginia state line near Blacksville.

Commissioners to be sworn or affirmed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Mark Gordon, David Spragg, and Richard Ledwith, of the county of Greene, be and they are hereby appointed commissioners to view and lay out a state road from Waynesburg, in Greene county, to the Virginia state line, near Blacksville, Virginia, by the nearest and best route.

SECTION 2. That it shall be the duty of said commissioners, respectively, or a majority of them, after taking and subscribing an oath or affirmation, before a justice of the peace, to perform the duties enjoined upon them by this act, with impartiality and fidelity; to carefully view the ground over which said road may pass, and to lay out the same as near to a straight line, between the aforesaid points, as the nature of the ground and other important circumstances will permit, so that the vertical departure from a horizontal line shall, at no point, exceed five degrees, except only at crossings, ravines and streams, when by a moderate filling or bridging, the declination of the said road may be preserved in that limit.

Route to be marked.

SECTION 3. That it shall be the duty of said commissioners respectively, plainly and distinctly, to mark the ground on the route agreed upon for the road aforesaid, in such manner as to

enable the supervisors, readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the commissioners are hereby authorized to employ one surveyor, at a per diem allowance not exceeding one dollar and fifty cents, and two chain carriers, at a per diem allowance not exceeding one dollar; and the said commissioners, respectively, shall receive a per diem allowance of one dollar and fifty cents for each and every day necessarily spent in discharge of the duties enjoined by this act, to be paid in manner and form as hereinafter directed.

SECTION 4. That it shall be the duty of said commissioners, to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and waters, with such other matters as may serve for explanation; one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the third Monday of January next, and one copy in the office of the clerk of the court of Quarter Sessions of Greene county, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth the said road shall be to all intents and purposes, a public highway, and shall be open to the breadth and repaired in all respects, as roads are opened and repaired, which are laid out by order of the court aforesaid. Draft of road.
To be deposited in Secretary's office.

SECTION 5. That the accounts of said commissioners, for their own pay and the pay of surveyors, chain carriers, &c. shall be made out and returned to the commissioners of Greene county, and they shall be paid out of the treasury of said county, on warrants drawn in the usual way. Commissioners to adjust accounts.

SECTION 6. That the said commissioners shall meet at the town of Waynesburg, in Greene county, on or before the first Monday in September, or as soon thereafter as practicable, and complete the location of said road as soon as practicable; and if any vacancy or vacancies shall happen, by resignation or otherwise, the Court of Quarter Sessions of Greene county shall fill said vacancy or vacancies, by the appointment of suitable persons who shall perform said duty. Time of meeting.

SECTION 7. That David Dogle, David Logan, & Wm. Walker, of Butler county, be and they hereby are appointed commissioners, to view and lay out a state road from a point on the Butler and Freeport turnpike road, at or near John Bredin's farm, through the town of Saxonburg, in Butler county, to intersect the Tirentum and Freeport road, near the borough of Freeport, in the county of Armstrong. Commissioners to lay out Butler and Freeport turnpike road. Commencement and termination.

SECTION 8. That it shall be the duty of said commissioners, respectively, or a majority of them, after taking and subscribing an oath or affirmation, before a justice of the peace, to perform the duties enjoined upon them by this act, with fidelity, Duty of commissioners.

and carefully view the ground over which said road may pass and lay out the same as near to a straight line, between the said points, as the nature of the ground will permit, so that the vertical departure from a horizontal line shall, at no point, exceed five degrees, except only at crossing ravines and streams, when by moderate filling or bridging the declination of the said road, it may be preserved within that limit.

To mark the route.

SECTION 9. That it shall be the duty of said commissioners, respectively, plainly and distinctly to mark, or cause to be marked, the ground on the route agreed upon for the road aforesaid, in such manner as to enable the supervisor, readily, to find the same; and for the purpose of fulfilling the duties in this act enjoined, the commissioners are hereby authorized to employ one surveyor, at a per diem allowance not exceeding one dollar and fifty cents, and two chain carriers, at a per diem allowance not exceeding one dollar, and the said commissioners, respectively, shall receive a per diem allowance not exceeding two dollars for each and every day necessarily spent in the discharge of the duties enjoined by this act; to be paid in manner and form as hereinafter directed.

Draft of road.

SECTION 10. That it shall be the duty of said commissioners, to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, improvements passed through, and also the crossing of township lines, roads and waters, with such other matters as may serve for explanation; one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the first day of January next, and one copy in the office of the clerk of the court of Butler county, on the day aforesaid, or sooner if practicable, which shall be a record thereof; and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened to the breadth and repaired in all respects, as roads are opened and repaired, which are laid out by order of the court aforesaid.

To be filed in Secretary's office.

Adjustment of accounts.

SECTION 11. That the accounts of the said commissioners, for their own pay and for the pay of surveyor, chain carriers and markers, shall be adjusted by the commissioners of the respective counties, through which said road shall pass, and paid by the Treasurer thereof, on warrants drawn in the usual way, in proportion to the length of the road in such county respectively.

Time of meeting.

SECTION 12. That the said commissioners shall meet on or before the first Monday of July next, or as soon thereafter as is practicable; and if any vacancy or vacancies should happen, by resignation or otherwise, the court of Quarter Sessions of Butler county shall fill said vacancy or vacancies by the appointment of other suitable persons, who shall perform said duty.

SECTION 13. That William Staples, Charles C. Price, of

Monroe county, Hartsel Calton, of Wayne county, or any two of them, are hereby appointed commissioners to view and lay out a state road from Eleasor Price's, on Brodhead's creek, to the Sterling and Newfoundland turnpike, in Wayne county, near the Moravian church, with power to locate said road; and when they shall have reviewed and located said road, it shall be their duty to make out a correct plot or draft of said road, designating the lines thereof, and deliver the said plot or draft to the recorder of Monroe county; and the said commissioners shall receive one dollar and fifty cents per day, for every day necessarily employed in locating said road, to be paid by the treasurer of their respective counties, in proportion to the time occupied in each county, in laying out said road; and it shall be the duty of the commissioners to review and lay out said road on or before the first day of January next.

SECTION 14, That Robert Faulkner and Stephen Littlefield, of Warren county, Richard Renshaw, Alonzo J. Wilcox, and Divan D. Miner, of McKean county, or any three of them be and they are hereby appointed commissioners to view and locate a state road from Warren, in Warren county, to the mouth of West creek, in M'Kean county, by way of Williamsville, with power to locate and fix said road; and when they shall have reviewed and located said road, it shall be their duty to make out a correct plot or draft of said road, designating the lines thereof, and deliver the said plot or draft to the recorder of the county of McKean; and the said commissioners shall be entitled to receive one dollar and fifty cents per day, for every day necessarily employed in said location, to be paid by the treasurers of McKean and Warren counties, in equal proportions, on the order of the commissioners of the said respective counties, and that the said commissioners are hereby authorized to employ all necessary hands to complete the same, and to be paid as the said commissioners are.

SECTION 15. That six managers, and no more, shall hereafter be elected by the stockholders of the Abington and Waterford turnpike road company, passed the first day of February, one thousand eight hundred and twenty-three, and that three managers, so elected with the president, shall constitute a quorum, to do and conduct the business of said company, and that so much of any act of Assembly, as is hereby altered or supplied, be and the same is hereby repealed.

SECTION 16. That Anthony Wolf, of Centre county, and Henry Null, of Union county, and Jacob Stitsel, of Northumberland county, be and they are hereby appointed commissioners to view and locate a state road from Hevenlings mill, in West Buffalo township, Union county to Elk creek, in Miles township, Centre county, with power to locate and fix said road; and when they shall have reviewed and located said road, it shall be their duty to make out a correct plot or draft of said road, designating the lines thereof and deliver the plot or draft

Pay.

to the recorder of the county of Union, and the said commissioners shall be entitled to receive one dollar and fifty cents per day, for every day necessarily employed in said location, to be paid by the treasurers of Union and Centre counties, in equal proportions, on the order of the commissioners of the said respective counties. It shall be the duty of the commissioners to review and lay out said road on or before the second Tuesday of September next.

Wharf street
continued.

SECTION 17. That Wharf street, in the district of Southwark, south of Prime street, shall be continued as follows:—beginning at a point on the south side of the said Prime street, and east side of Wharf street, as the said Wharf street is laid out from South street to Prime street, thence continuing for the east line of the said Wharf street, in a south-eastwardly direction, until the east line of the said Wharf street shall cross a point on the north side of Moore street, at the distance of two thousand three hundred and forty-two feet east of the east line of Front street, measuring along the north line of Moore street, thence continuing in the same direction until the said Wharf street shall reach the basin of the Delaware and Schuylkill canal, which said Wharf street, so laid out, shall be continued the whole distance of the width of fifty feet, and that so much of all and every street in the said district of Southwark, as is or have been laid out east of the said Wharf street, as the same is hereby located, be and the same are hereby declared to be vacated.

Moore, Morris
and Franklin
streets con-
tinued.

SECTION 18. That Moore street, Morris street, and Franklin street, in the townships of Moyamensing and Passyunk, shall be continued westwardly of the breadth of fifty feet from their present western termination at Broad street, in lines parallel with South or Cedar street, until the said Moore street, Morris street and Franklin street, shall reach the Delaware and Schuylkill canal.

Dickerson &
Reed streets
continued.

SECTION 19. That Dickerson street and Reed street, the whole distance of the breadth of fifty feet, shall be continued from their present western termination, in the district of Southwark, westwardly through the townships of Moyamensing and Passyunk, in parallel lines with South and Cedar street, until the said Dickerson street and Reed street hereby laid out and located, shall reach the Delaware and Schuylkill canal, and so much of Dickerson street and Reed street as has been heretofore laid out between the Buck lane and Passyunk road, be and the same are hereby vacated,

Wharton st.
continued.

SECTION 20. That Wharton street shall be continued from its present termination, in the district of Southwark, westwardly through the townships of Moyamensing and Passyunk, parallel with South or Cedar street until it reaches the Delaware and Schuylkill canal, and the said Wharton street shall be and extend all the distance aforesaid of the full width of fifty feet, except so much of said street as is located between Passyunk

road and Tenth street, which portion of said street shall be as much more than fifty feet in width, as will be necessary to extend it from the southern line, as laid down by this act, to northern line of said Wharton, as laid down and located by the commissioners, under an act of Assembly passed the thirteenth day of April, one thousand eight hundred and thirty-five, and so much of said Wharton street as has been heretofore laid out between the Buck lane and Passyunk road, be and the same is hereby vacated, except so much as lies between the northern line of said Wharton street—and Wharton street as laid down by this act, and located between Passyunk road and Tenth street.

SECTION 21. Wolbert street, Hampton street, Alexander Wolbert, street, Burden street, Willow street, Grover avenue, Ashton Hampton, street, Schuylkill Front street, Schuylkill Second street, Schuyl- Alexander, kill Third street, Schuylkill Fourth street, Schuylkill Fifth Willow, Gro- street, Schuylkill Sixth street, Schuylkill Seventh street, and ver avenue, Ashton, Schuylkill Eighth street, be and the same are hereby declared Schuylkill to be continued southwardly parallel with Broad street, from front, 2d, 3d, their present southern termination in the township of Passyunk, 4th, 5th, 6th, until the said streets shall reach the Delaware and Schuylkill 7th, and 8th canal; which said streets so continued as aforesaid, shall be ex- streets con- tended the whole distance to the said Delaware and Schuylkill tinued. canal, of the same width to which they are now widened from South or Cedar street, southwardly through the said township of Passyunk.

SECTION 22. That Sutherland avenue, in the said township of Sutherland Passyunk, be and the same is hereby declared to be continued avenue con- in a direct line from its present termination at Peltz street, until tinued. it reaches the Delaware and Schuylkill canal, which said Sutherland avenue shall be continued and extended the whole distance to the said Delaware and Schuylkill canal, of the same width to which it is now widened, from South or Cedar street, to the said Peltz street.

SECTION 23. That a new street to be laid out from Broad Oakford street street to the Delaware and Schuylkill canal, through the town- laid out. ships of Moyamensing and Passyunk, between Wharton and Federal streets, called Oakford street, as follows:—beginning for the south side of said Oakford street, at a distance of three hundred and seventy-nine feet from the north side of Wharton street, as the said Wharton street is laid out and located by this act, and thence extending westwardly parallel with South or Cedar street, until it reaches the Delaware and Schuylkill canal, which said Oakford street is to be and extended of the breadth of fifty feet during all the distance aforesaid.

SECTION 24. That a new street be laid out in the township Lyons street of Passyunk, from Federal street to Sutherland avenue, called laid out. Lyons street, the east line of the said Lyons street being three hundred and ninety-six feet west of the west side of Wolbert

street, and extending parallel with Broad street, of the width of fifty feet, during the whole distance from Federal street to Sutherland avenue.

Comm'rs. to
Lay out state
road from
road crossing
line of Beaver
and Mercer
counties to
New Castle,
Mercer co.

SECTION 25. That Henry Pearson, of Mercer county, John White and Samuel Cairns, of Beaver county, be and they hereby are appointed commissioners to view and lay out a state road, from where the state road from Beaver to Mercer crosses the line between said counties, to New Castle in Mercer county.

Duty of com-
missioners.

SECTION 26. That it shall be the duty of said commissioners, respectively, or a majority of them, after taking and subscribing an oath or affirmation, before a justice of the peace, to perform the duties enjoined upon them by this act, with impartiality and fidelity, to carefully view the ground over which said road may pass, and to lay out the same as near to a straight line, between the aforesaid points, as the nature of the ground will permit, so that the vertical departure from a horizontal line shall, at no point, exceed five degrees, except only at crossing ravines and streams, when by a moderate filling or bridging the declination of the said road, it may be preserved within that limit.

To mark the
route.

SECTION 27. That it shall be the duty of said commissioners, plainly and distinctly, to mark the ground on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the commissioners are hereby authorized to employ one surveyor, at a per diem allowance not exceeding two dollars, and two chain carriers, at a per diem allowance not exceeding one dollar and twenty-five cents, and the said commissioners, respectively, shall receive a per diem allowance not exceeding two dollars for each and every day necessarily spent in the discharge of the duties enjoined by this act, to be paid in manner and form as hereinafter directed.

Draft.

SECTION 28. That it shall be the duty of said commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, improvements passed through, and also the crossing of township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the tenth day of January next, and one copy in the office of the clerk of the court of Beaver county, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened to the breadth and repaired, in all respects, as roads are opened and repaired, which are laid out by order of the court aforesaid.

To be filed in
Secretary's
office.

SECTION 29. That the accounts of said commissioners, for their own pay and the pay of surveyors, chain carriers, &c

shall be made out and returned to the commissioners of Beaver Commission- and Mercer counties in proportion to the time severally spent ^{ers to adjust} by them in each of the respective counties in locating said road, ^{accounts.} and that they be paid out of the treasury of each of the afore- said counties on warrants drawn in the usual way.

SECTION 30. That the said commissioners shall meet on or ^{Time of meet} before the first Monday in June next, or as soon thereafter as ^{ing.} practicable, and complete the review of said road as soon as practicable; and if any vacancy or vacancies shall happen, by resignation or otherwise, the court of Quarter Sessions of Beaver county shall fill said vacancy or vacancies by the appointment of suitable persons, who shall perform said duty.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The ninth day of April, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 128.]

A N A C T

Relative to County Auditors, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That from and after the passage of this act, if any county auditor within this commonwealth, who shall have ^{Penalty when} taken upon himself the duties of such office, shall neglect or ^{county audi-} refuse to perform the duties enjoined upon such office by law, ^{tors neglect or} he shall forfeit the sum of one hundred dollars, to be recovered ^{refuses to} by the county, as debts of like amount are recoverable. ^{perform duty.}

SECTION 2. That there shall be and is hereby erected into ^{Moscow aca-} a body corporate, an association for the education of youth, ^{demy esta-} in the arts, sciences and useful literature, in Sadbury town- ^{blished.} ship, in the county of Chester, to be entitled the Moscow academy, of which Robert Belville, James Latta, William W. ^{Name.} Latta, Jonathan Schofield, David Agnew, Joseph Wiley, and

- Trustees. William Stewart, are hereby appointed trustees of the same for the term of one year from the passage of this act, and by the said name and style shall have perpetual succession, and be capable in law and equity to sue and be sued, and to take and hold all property, real and personal, which may be granted and in any wise transferred to the said academy for the purposes of education, and the same to alien and dispose of, or to hold and use for the purpose aforesaid, and may have a common seal, and the same to alter, break, or renew at pleasure, and the following articles of association shall regulate said corporation, the legislature reserving the right to alter or modify the same at pleasure.
- Seal.
- Annual election. First; It shall be governed by seven trustees, who shall be elected from among the stockholders annually, on the last Monday in March, four of whom shall constitute a quorum to transact business.
- Trustees may receive and make titles. Second. Three of the stockholders shall be appointed trustees, to whom the title of the lands and buildings shall be made, with authority to sell or convey at the desire of the holders of two thirds of the stock.
- Officers. Third. The officers of the institution shall consist, (in addition to the trustees above named) of a treasurer and secretary, who may be chosen from among the trustees.
- Treasurer's duties. Fourth: It shall be the duty of the treasurer to collect and disburse all moneys belonging to the institution, keep a regular account of receipts and payments, and receive donations, but pay no moneys except to the order of the president of the board of trustees.
- Secretary's duty. Fifth: It shall be the duty of the secretary to keep minutes of the proceedings of the board of trustees, notify the stockholders of special and stated meetings, and keep the books and accounts of the institution.
- Votes. Sixth: Each stockholder shall be entitled to one vote for every share he may hold.
- Elections. Seventh: In elections of trustees, those candidates who shall receive the greatest number of votes shall be considered duly chosen.
- Transfers. Eighth: The stock shall be transferable only on the books of the institution.
- Religious worship. Ninth: On application from any stockholder the academy shall be opened to preachers of all religious denominations, who may come well recommended, by obtaining permission from any one of the trustees: *Provided*, That no meeting shall be held to interfere with the time allowed to teaching the school.
- Certificates. Tenth: The secretary shall issue certificates to the stockholders for as many shares as they may possess, (on payment of all arrearages) signed by himself and the president of the board of trustees.

Eleventh: It shall be the duty of the trustees to engage the Teacher. teacher, lease the room, attend examinations, and do all things necessary for the welfare of the institution.

Twelfth: It shall require the consent of a majority of the Discharge. trustees to discharge a teacher.

Thirteenth: The trustees may sell a sufficient quantity of Trustees may stock at the original cost per share, to finish the buildings and sell certain pay the debts of the institution, and may also effect an insu- amount of stock. rance of the premises against fire, either temporary or perpetual, out of the funds of the institution.

Fourteenth: A majority of the trustees may loan or let the Sunday buildings for the accommodation of the Sunday schools, or for schools. other purposes.

Fifteenth: The trustees may enact their own by-laws. By-laws.

Sixteenth: In all business relative to the affairs of the academy, it shall require a majority of the trustees to act, with Majority. the exception of the provisos before made, and a majority of the Quorum. the quorum present shall be considered a majority of the trustees.

Seventeenth: It shall require the consent of the holders of Two-thirds two-thirds of the stock to alter or amend this constitution. may amend.

SECTION 3. That the said corporation shall not be entitled to receive the annual appropriation made to academies, under Not to receive the fourth section of an act, passed the twelfth of April, one annual appropriation. thousand eight hundred and thirty-eight, entitled a supplement to an act to consolidate and amend the several acts relative to a general system of education by common schools, passed the thirteenth day of June, one thousand eight hundred and thirty-six.

SECTION 4. That from and after the passage of this act, the Dauphin co. county auditors of the county of Dauphin, in addition to the auditors to receive pay allowed them by law, shall be allowed six cents and one-mileage. fourth of a cent for each mile circular necessarily travelled in the execution of the duties of their office.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The ninth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 129.]

A N A C T

Making compensation to William McCoy and William C. Leavensworth for expenses incurred and services rendered as agents for the commonwealth in discovering lands, late the estate of John Nicholson and Peter Baynton, and on which the commonwealth has a lien.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the state treasurer be and he is hereby authorized and required to pay to William M'Coy, or order, one thousand five hundred dollars, and to William C. Leavensworth, or order, two thousand dollars, in full, for expenses incurred and services rendered by them, respectively, as agents of the commonwealth in discovering lands and titles thereto, late the estate of John Nicholson and Peter Baynton, and on which the commonwealth holds a lien; said sums to be reimbursed to the commonwealth with lawful interest out of the proceeds of the sale of said lands.

State Treasurer to pay Wm. M'Coy and William C. Leavensworth for certain services.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of April, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 130.]

A N A C T

To confer on George, Polly, Susan, Elizabeth, and Peggy Strohl, and Marinda Wurtz the rights and benefits of children born in lawful wedlock, and for other purposes.

WHEREAS, it has been represented to the legislature that George Strohl of the county of Northampton, lived and co-habited with a certain Maria Zacharias as her husband, and had issue five children, to wit: George, Polly, Susan, Elizabeth and Peggy, and that he died intestate in October, eighteen hundred and thirty-nine, leaving considerable real and personal estate, which he acquired by his own industry, and it is right that his children should have the same: *And whereas*, the father, brothers, and sisters of the said George Strohl, who would, by law, be entitled to the said property, have signified their desire that the said children should have the same: Therefore.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That George, Polly, Susan, Elizabeth, and Peggy Strohl, children of George Strohl, late of the county of Northampton, shall have and enjoy all the rights, benefits, and advantages of children born in lawful wedlock, and shall be able and capable in law to inherit and transmit all the property of their said father of whatever kind or nature, as fully and completely, to all intents and purposes as if they had been born in lawful wedlock.

SECTION 2. That Marinda Wurtz daughter of Nancy Wurtz, late of Union county, deceased, shall have and enjoy all the rights, benefits, and advantages of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit all the estate of her said mother, as fully and completely, to all intents and purposes, as if she had been born in lawful wedlock.

SECTION 3. That Hannah Bailey, an illegitimate daughter of Sarah Bailey, of Washington county, shall have and enjoy all the rights, benefits, and advantages of a child born in lawful wedlock, and shall be able and capable in law to inherit, and transmit any estate whatever, which may descend from her mother, as fully and completely, to all intents and purposes as if she had been born in lawful wedlock.

Preamble.

George, Polly
Susan, Elizabeth
and Peggy Strohl
legitimized.Marinda
Wurtz of Union
county
legitimized.Hannah Bailey,
of Washington
county
legitimized.

Camden and Philad. Steam Boat Ferry company authorized to purchase real estate in Phil. am't limited. SECTION 4. That the Camden and Philadelphia Steam Boat Ferry company, shall be able and capable in law to purchase, take, have, hold and enjoy, in fee simple or otherwise, such real estate in the city or county of Philadelphia, as they may deem necessary, for the purposes of said company, not exceeding in value at any one time the sum of two hundred thousand dollars, estimated by the price paid for such real estate, and the same to grant, bargain, sell and convey, in fee simple or for any less estate, and to mortgage and let at pleasure; and that the said company be further authorized to raise money for the purpose of paying for such real estate, and for completing their canal and other works by increasing their capital stock, or borrowing money on the faith and credit of the company, whenever they may deem the same expedient; and the legislature hereby reserves the right to revoke, alter, or amend the charter of the said company, and this act, whenever they shall deem proper, in such manner, however, that no injustice be done to the company.

Capital increased.

Repealing clause.

Williamsport, Lycoming co. to have an auctioneer. SECTION 5. That from and after the passage of this act, the Governor is hereby authorized and required to commission some suitable person, in the borough of Williamsport, Lycoming county, as an auctioneer, who is hereby authorized to sell at public auction all kinds of goods, wares, merchandize, lands, tenements, and property of all kinds, yielding and paying to the Treasurer of this commonwealth one per cent. on all the property sold, after he shall have sold annually property to the amount of ten thousand dollars, before he shall be compelled to pay any thing to the state, and said autioneer shall be authorized to make sales, at such place in said borough at all times as he may select: *Provided*, That the person appointed auctioneer as aforesaid, shall pay into the treasury of the commonwealth the sum of twenty-five dollars, for his commission.

Tax to commonwealth.

To pay \$25 for commission.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 131.]

A N A C T

Declaring the Streets, Lanes and Alleys, in the town of Bloomsburg, in Columbia county, public highways, and authorizing the election of an additional supervisor, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:* That the streets, lanes and alleys, in the town of Bloomsburg, in the county of Columbia, are hereby declared public highways, according to the plot of said town, and as such shall be opened and improved, and kept in repair as other highways of this commonwealth are opened, improved and kept in repair: *Provided,* That nothing in this act shall be so construed as to interfere with private property.

SECTION 2. That at the time and place for holding constable elections in the township of Bloom, in the county of Columbia, and annually thereafter, there shall be elected an additional supervisor of roads, which supervisor shall, at the time of said election, and during the term for which he shall be elected, be and continue a resident of the town of Bloomsburg; and if any vacancy in said office shall exist between the times for holding said elections, either in consequence of the person elected removing out of the said town, or from any other cause, the court of Quarter Sessions of said county, on petition of the citizens of said town, shall appoint some suitable person to fill the vacancy in said office, until the term of said court next succeeding the time of holding said elections, and the person thus appointed shall have all the same rights and powers, and be subject to all the same duties and liabilities, as if he had been elected by the people of said town of Bloomsburg.

SECTION 3. That the constable of the borough of Berwick, elected under the authority of an act of assembly, approved the 16th April, 1838, be and he is hereby authorized and required to hold an election on the Saturday next before the second Monday of June, one thousand eight hundred and forty, at the usual place of holding elections for officers of the borough of Berwick, for the purpose of electing such officers as are allowed to said borough, by the act erecting the town of Berwick into a borough, and the supplement thereto, giving at least five days notice by either written or printed notices,

the elections for borough officers for the said borough of Berwick, for the year one thousand eight hundred and forty-one, and thereafter shall be held on the said Saturday next before the second Monday of April, as directed by the act incorporating said borough, and the supplements thereto: *Provided*, That in case the officer therein authorized and required to give notice of said election, shall neglect or refuse to give such notice, the chief burgess or assistant burgess, or any member of the council, may give notice of said election, and in case of a vacancy in any office for said borough, caused by death, resignation, or refusal to serve or otherwise, a majority of the council may give the usual notice, and hold an election to fill such vacancy.

Proviso.

Proceedings
in case of neg-
lect or refusal
of constable to
give notice.
Vacancy.

SECTION 4. That the town council of the said borough of Berwick, be and they are hereby empowered to make, or cause to be made, a plan of said borough, in conformity with a plan originally made by Evan Owen, of said town, except such parts as relate to lots and streets in Luzerne county, and the plan so made shall be certified by a majority of the town council, to be a full and complete plan of said borough of Berwick, in the county of Columbia, and the plan when made and so certified, shall be entered of record in the office for recording of deeds, in the county of Columbia, and also upon the records of said borough, and shall be received in evidence as the plan of said borough.

Town council
to have made
a plan of bo-
rough.

How authen-
ticated.

Where recor-
ded.

SECTION 5. That the town council of said borough of Berwick, are hereby empowered, if they think proper so to do, to rent for a term not exceeding five years, such streets or parts of streets as in their opinion are not needed for the use of the inhabitants of said borough, and the moneys thus received as rent shall be placed in the hands of the treasurer, for the use of said borough.

To rent cer-
tain streets.

SECTION 6. The streets, roads, lanes and alleys, which were lately laid out by the proprietor of the tract of land, situate in the borough of Norristown, in the county of Montgomery, lately owned by Levi Pawling, are hereby confirmed and declared to be public highways, as fully to all intents and purposes as if they had been laid out by order of the court of Quarter Sessions of said county; and all streets, roads, lanes, and alleys, which may hereafter be laid out by the owner or owners of land situated in said borough, through the same, which may be approved by the town council of said borough, and of which a plot or draft, showing the course, length and width of such streets, roads, lanes and alleys, and their connexion with each other and with other streets in said borough, as well as the lands and improvements through which they pass, signed by the owner of such land, duly certified by the president and clerk of the town council of said borough, as approved by said council, shall have been filed in the office of

How streets,
&c., may
hereafter be
laid out.

the clerk of the court of Quarter Sessions of said county, shall thereafter also be considered public highways, as fully to all intents and purposes, as if the same had been laid out by an order of said court; and it shall be the duty of the said town council to keep the streets, roads, lanes and alleys, which have been or may hereafter be laid out as above mentioned in good repair, and the said council shall have the same power and authority to regulate such streets, roads, lanes and alleys, and to compel the owners of lots and lands bounding thereon, to curb and pave the side walks in front of their respective lots and lands, which the town council now have to regulate other streets, roads, lanes and alleys in said borough, and to compel the owners of lots and lands bounding on the same, to curb and pave the side walks in front of the same.

SECTION 7. It is hereby declared that it is the true intent and meaning of the twenty-ninth section of the act entitled, an act authorizing the Governor to incorporate the Huntingdon and Chambersburg rail road company, passed the sixteenth day of June, one thousand eight hundred and thirty-six, that either upon completing or doing any part of the curbing of the side walk, in front of any lot or land in the borough of Norristown, or on completing or doing any part of the paving on such side walk, after the neglect or refusal of the owner to curb or pave the same, that the said town council should have authority to file a lien for the amount of either the curbing or the paving which might have been done, or to institute an action for the recovery of the expense of such curbing or such paving, notwithstanding the whole of such curbing and paving or either may not have been completed; and in all cases of liens which have been or may be filed for any curbing or paving alone, in said borough, and in all cases in which actions have been brought or may be brought, agreeably to the said section, for the recovery of the expense of any such curbing or paving alone, such liens and actions shall be deemed and held as good, valid, and regular, as if the curbing and paving had been completed, and the lien had been filed or action brought for the amount of the curbing and paving.

SECTION 8. Any person who shall furnish curbstone for the purpose of curbing the side walk, in front of any lot or piece of land, in the borough of Norristown, or shall furnish brick or other materials for paving any such side walk, or shall perform any work or labor in putting up such curbstones or laying such pavement, either at the request of the owner of such lot or land, or by the order of the town council, or any committee appointed by them, after the owner shall have neglected or refused to curb and pave, agreeably to the order of the town council, shall have the same right and authority to file a lien for such curbstone, brick materials, and labor performed, or to recover the amount of such materials or labor, by action against

Duty of council.

Owners to curb and pave lots.

Town council of borough of Norristown after paving, &c. may file lien or institute action against owners of lots.

Labor or materials provided for curbing, paving, &c. may be secured by lien or recovered by action against lot owners.

the owner of the lot or land, in front of which such curbing and paving was done, as is given to the town council of said borough, by the twenty-ninth section of the act recited in the preceeding section entitled, "an act authorizing the Governor to incorporate the Huntingdon and Chambersburg rail road company."

SECTION 9. That whenever the town council of the borough of Norristown shall, by ordinance or otherwise, require the owner of any lot or land, in said borough, to curb or pave the side walks in front of, or opposite to his lot or land, it shall be the duty of the clerk of the said town council, to give such notice as said council may direct, to such owner in writing, and the same shall be served by delivering such notice to such owner personally, or by putting up the same at the dwelling house or other conspicuous place on the lot or land ordered to be curbed or paved as aforesaid, and the certificate of the said clerk, that he had duly served the said notice as aforesaid, stating the time and manner of such service, shall be conclusive evidence of the due service of such notice. In all cases in which claims have been or may be filed for the amount of the materials and work for curbing or paving any of the side walks in said borough, or any part of such side walks, and in all cases, in which any action or proceedings have been or may be instituted, to recover the amount of any claim for any such curbing or paving heretofore done, the affidavit of one of the street and road commissioners of said borough, of the service of a notice to curb or pave any of the side walks in said borough, by order of the town council, either on the owner or owners of the lot or land, in front of which the side walks had been so curbed or paved, personally, or by leaving the same at his or her usual place of abode, or with any person residing on such lot or land, or by putting up such notice on such lot or land, specifying in such affidavit, or showing, by reference to an endorsement or a copy of such notice, which shall be attached to said affidavit, or otherwise, the day on which such notice had been served as aforesaid, shall be received in evidence, and shall be deemed and taken as prima facie evidence of the due service of any notice, requiring any person to curb or pave the sidewalks, in said borough.

SECTION 10. That hereafter in all cases in which the town council of the borough of Norristown, shall curb or pave any side walk, in front of any lot or land in said borough, after the owner of such lot or land shall refuse or neglect to curb or pave such side walk, on being duly required so to do, it shall be lawful for said town council, at their option, to recover the expense of such curbing or paving or both, by filing a lien or bringing an action for the amount, as is now provided by law, or to recover the amount of the expense of such curbing and paving, by assessing the amount of such expense upon the said lot or land, or the owner thereof, in the same manner

Duty of clerk of council to give notice to owners of lots to curb, pave, &c.,

What shall be deemed evidence of notice to pave, &c., in all cases when liens have been filed.

Proceedings where owners of lots shall refuse or neglect to curb, &c.

May tax lot or owner to recover cost of paving, &c.

that taxes, in said borough are assessed, which shall be entered in the duplicate of borough taxes, and collected by the collector of the said borough, as the borough taxes are collected: *Provided*, That after assessing the amount of such curbing or paving or both, as aforesaid, notice shall be given of such assessment, and the amount thereof, to the person against whom the same is assessed, or put up on the premises, who may, within six days thereafter, appeal from such assessment, to the persons authorized to hold the appeals in the case of the assessment of borough taxes, which court of appeals shall correct any error which they may ascertain in such assessment: and the amount which may be fixed by such court of appeals, if any alteration be made, shall be returned to the collector and collected as aforesaid; but if no appeal shall be made within six days after notice as aforesaid, the sum assessed by the town council shall be collected as above mentioned.

SECTION 11. The market house, authorized by the twenty-seventh section of the act, entitled an act authorizing the Governor to incorporate the Huntingdon and Chambersburg rail road company, to be erected in the borough of Norristown, on the lot of ground in the said borough, commonly called the jail lot, bounded on the north-west by Sweede street, on the south-west by Penn street, on the south-east by lands of John Dykes and James Wells, and on the north east by the jail; described in the said section as situate and lying between Sweede street and alley, and Penn street and the jail yard, shall and may be erected on the side of said lot bounding on Penn Street, extending in width from Penn street towards the jail not exceeding sixty-feet, and shall be built in two blocks, one extending from the line of John Dykes' land to or near the paved walk through said jail lot, and the other extending from Sweede street to or near the said walk, so as not to interfere with the passage from the court house to the jail, along said walk, and the part of said lot on which said market house shall be erected, shall be graded so as to be on a level with the pavement on Sweede street and Penn street, or as near as practicable.

SECTION 12. That so much of the one hundred and thirty-first section of the law, passed April fifteenth, eighteen hundred and thirty-five, which provides that it shall and may be lawful for any distiller of whiskey, or his agent, intending to ship whiskey, the produce of his own stills, coastwise, to ship the same without inspection, upon depositing with or at the office of one the principal inspectors, an invoice or list exhibiting the number and kinds of casks intended to be shipped, with an affidavit annexed by himself or agent, that such whiskey was made by him, and is intended for a market in one of the sister states, together with a notice of the name of the vessel on which the same is intended to be shipped, and the

place where it is intended to be taken on board, at least three hours before it shall be put on board; and so much of the one hundred and twenty-third section of the aforesaid act, as is contained in these words, "except when shipped coastwise by the distiller or his agent," be and the same is hereby repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 132.]

A SUPPLEMENT

To an act, entitled "an act providing for the election of Aldermen and Justices of the Peace, passed the twenty-first day of June, eighteen hundred and thirty-nine."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That in all cases where an equal number of legal votes shall be polled for two or more candidates for the office of alderman or justice of the peace, in any ward, borough or township within this commonwealth, so that the said officers required by law shall not be duly elected, or where any election shall be declared void, or where a vacancy shall happen from any other cause, it shall be lawful for the qualified voters of said ward, borough or township, to hold another election for the choice of such officer or officers as they shall have failed to elect, and to fill such vacancy on the day fixed by law. But before holding the same, it shall be the duty of the constable of the proper ward, borough or township, to give notice, in the manner prescribed by law, that on a certain day mentioned in said notice (not less than twenty nor more than thirty days thereafter) an election will be held to fill the vacancy occasioned by such failure to elect, as aforesaid, which election shall be held by the same officers, at the same place, between the same hours, and be conducted and the return thereof made in the manner prescribed by law for holding the township elections, and shall be subject to like inquiry and judgment of the court of the proper county; *Provided, That*

Proceedings where candidates have equal number of votes or election from any other cause void.

when the election of any officer is vacated or set aside by a *Proviso.* decision of the court, the said court shall fix the time of holding such new election, which shall be not less than ten days thereafter.

SECTION 2. In cases where there has been a failure to elect the officers aforesaid in any ward, borough, or township, at the elections held during the present year, by reason of the candidates having received an equal number of votes, as aforesaid, it shall and may be lawful for the qualified voters of said ward, borough or township to hold an election under the provisions before prescribed, at any time within forty days after the passage of this act, the constable giving at least ten days notice thereof, as before directed. *Failure to elect in 1840 remedied.*

SECTION 3. It shall be lawful for any alderman or justice of the peace who was in commission at the time of the first election, held under the act to which this is a supplement, and who shall choose to retain his docket and deliver transcripts under the tenth section of said act, in addition to the fees for said transcript, to demand and receive from the person requiring the same all the fees legally due said alderman or justice in said suit or proceeding, and to retain such transcript until the same is paid. *Aldermen & Justices may retain their dockets and deliver transcripts, fees.*

SECTION 4. That the bond required by the sixth section of the act of twenty-first of June, eighteen hundred and thirty-nine, to be given by any person elected a Justice of the Peace or Alderman, before entering upon the discharge of the duties of his office, shall be recorded in the office for recording of deeds of the proper county, after the same shall have been taken by the Prothonotary, and the record thereof or a certified copy under the hand and seal of the Recorder of Deeds, shall be admitted as legal evidence in all cases where the original bond would be evidence. *Bonds of aldermen and justices of the peace how taken and recorded. Certified copies admitted as evidence.*

SECTION 5. That the commission of every person elected as Justice of the Peace or Alderman, shall be entered of record by the Recorder of Deeds of the proper county, and a certified copy under the hand and seal of the Recorder for the time being, or the record thereof, shall be admitted as legal evidence in the trial of any suit or suits, or bill or bills, of indictment where the original commission would be evidence. *Aldermen & Justices commissions recorded and certified copies admitted as evidence*

SECTION 6. It shall be the duty of the Secretary of the Commonwealth to cause this act to be published in at least three of the newspapers printed in Harrisburg, for three successive weeks immediately after its passage.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 133.]

AN ACT

Relating to the election of School Directors, and to grant insurance privileges to the Mechanics's and Tradesman's Loan company of the State of Pennsylvania, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the election held on the thirteenth day of March, one thousand eight hundred and forty, by the citizens of Limestone township, Lycoming county, for the election of directors of the common schools for said township, be and the same is hereby declared valid in law, and to invest the persons elected directors as aforesaid, with the same powers and authority as if the said election had been held on the day prescribed by law.

Election in
Limestone
township, Ly-
coming co.
declared valid

Controllers of
schools, first
district, to
report to su-
perintendent.

SECTION 2. That the controllers of the public schools of the first school district of Pennsylvania, shall from time to time, when required by the superintendent of common schools, furnish such reports touching the condition and management the schools under their charge, and of the methods of instruction practised therein, as he may deem useful for the advancement of the system of general education in the state.

Of the Me-
chanics' and
Tradesmen's
Loan compa-
ny.

SECTION 3. That whenever the directors of "The Mechanic's and Tradesmen's Loan company of the state of Pennsylvania," incorporated by the act passed the thirty-first day of March, eighteen hundred and thirty-six, entitled "an act incorporating the Mechanic's and Tradesman's Loan company of the state of Pennsylvania," and at least two-thirds of the stockholders thereof, or so many of them as shall own at least two-thirds of the stock of said company, shall accept of this act in writing, under the hands and seals of such directors and stockholders, or their legal representatives, to be filed in the office of the Secretary of the Commonwealth, and it shall be certified to the Governor, under the oaths or affirmations of a majority of said directors, that at least one-half of the stock of said company can be realized from the present assets of said company, and invested in stocks of other institutions, and in loans on promissory notes or otherwise, now belonging to said company, all the rights, powers and privileges, conferred upon "The Philadelphia Fire and Inland Navigation

Certificates.

Rights and
powers of
Phila. Fire &
Inland Navi-
gation Insur-
ance company
extended to
M. & T. Loan
Company.

and Insurance company," by the act incorporating said company, and the supplements to said act and other acts, be and they are hereby granted and extended to and conferred upon "The Mechanic's and Tradesmen's Loan Company of the state of Pennsylvania," and the stockholders of said company shall be a body politic and corporate, in deed and in law, by the name, style and title of "The Mechanic's and Tradesmen's Insurance company of Philadelphia," and by the said name, style and title, shall have all the rights, powers and privileges, and incidents of a corporation, and may sue and be sued, implead and be impleaded in all courts of justice or elsewhere, and the loan privileges granted to the said "The Mechanic's and Tradesmen's Loan Company of the state of Pennsylvania," shall thenceforth be null and void: *Provided*, That the corporate rights and privileges of the said "The Mechanic's and Tradesmen's Loan company of the state of Pennsylvania," shall continue in force for the purpose of collecting and settling the debts due to said company, by suit or otherwise, and to enable persons to whom the said company may be indebted to for deposits or otherwise, to recover their debts or deposits.

Name altered.

SECTION 4. That it shall be the duty of the Secretary of the Commonwealth to have the amended constitution published and bound, with the acts of assembly of the present session.

Secretary to

publish con-

stitution with

pamphlet laws

SECTION 5. That the property, real or personal, held in trust or otherwise for the use of the schools, for black people and their descendants, now held in Willing's alley, in the city of Philadelphia, be and it is hereby exempted from taxation.

Certain prop-

erty belong'g

to school for

black people

exempt from

SECTION 6. That the Secretary of the Commonwealth is hereby authorized and required to furnish, upon the order of the president of any incorporated academy, female seminary or lyceum, within this commonwealth, with one copy of the state map of Pennsylvania, and said maps to be used for the use of said schools and seminaries, but for no other purpose.

taxation.

Secretary of

Common'th

to furnish co-

pies of state

map to certain

institutions.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 134.]

A N A C T

To incorporate the Mount Vernon Academy, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That there shall be and is hereby estab-

Academy in-
corporated.

Name and
style.

Privileges &
franchises.

lished in the village of Reesville, in the county of Chester, an academy or public school for the education of youth in the English and other languages, and in the useful arts, sciences and literature, by the name, style and title of the Mount Vernon Academy; the said academy to be under the direction, management and government of a board of trustees, not exceeding five in number, three of whom shall be a quorum for the transaction of business, which said trustees and their successors shall be and they are hereby erected, established and declared to be a body politic and corporate, with perpetual succession, and with all the incidents of a corporation in deed and in law, to all intents and purposes whatsoever, by the name, style and title of the Trustees of the Mount Vernon Academy, by which name and title the said trustees and their successors shall be able at law and in equity to take to themselves and their successors for the use of said seminary any estate in any messuages, lands, tenements, hereditaments, goods, chattles, moneys or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest of any person or persons whatsoever, and the same messuages, lands, tenements, hereditaments, goods, chattles, moneys and estates, real and personal, to grant, bargain, sell, convey, assure, demise, and to farm, let, or otherwise dispose of, or invest in such manner as to them, or a quorum of them, shall seem most beneficial to the institution, and to receive the rents, issues, profits, and income and interest of the same for the use of the said seminary; and by the same name to sue, prosecute and defend, implead and be impleaded, in any courts of law or equity, and in all manner of suits and actions whatsoever, and generally by and in the same name to do and transact all and every the business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person has power to manage his own concerns.

SECTION 2. The said trustees shall cause to be made for their use one common seal, with such devices and inscriptions Seal. thereon as they shall think proper, by and with which seal all deeds, certificates and acts of the said corporation shall be authenticated; and the same seal the said trustees may at their pleasure break and alter, and also, if they think proper, devise a new one.

SECTION 3. Joshua Evans, Joshua Jones, John M. Davis, Trustees. Adam Siter and James F. Latta are appointed trustees of said corporation, which said trustees, or any three of them, are hereby authorized and empowered to appoint their successors and to fill any and all vacancies which may occur in their body, and this same power and authority shall be transmitted to and vested in such successors or persons so appointed, *ad infinitum*. Power of

SECTION 4. The said trustees shall have the power of making and enacting ordinances for the government of the said Seminary, of electing and appointing the teachers of the said Seminary, of agreeing with them for their salaries and stipends, and of removing them for misconduct, breaches of the ordinances of the institution, or other cause which shall be deemed sufficient, of appointing committees of their own body to carry into execution all and every the resolutions of the board, of appointing all such other officers as they may find necessary for managing the corporation, of providing for the punishments of all violations of the rules, regulations, or ordinances of the Seminary; and generally at any annual, adjourned, or extra meeting shall determine all matters and things which shall occasionally arise or be necessary to be determined by said Trustees; *Provided*, That no ordinances or regulation shall be of any force which is repugnant to the constitution and laws of the United States or of this Commonwealth. To make or-
dinances.
Officers.

SECTION 5. No misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to and from the said corporation; *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing whereby any estate or interest was intended to pass to or from said corporation. Misnomer.
Proviso.

SECTION 6. That nothing in this act, or any other law of this commonwealth, shall entitle the Institution hereby incorporated to receive the appropriation heretofore granted to female seminaries and academies, by the fourth section of the act, passed the twelfth day of April, eighteen hundred and thirty-eight, entitled a supplement to an act to consolidate and amend the several acts relative to a general system of education by common schools, passed the thirteenth day of June, eighteen hundred and thirty-six. Not to receive
annual appro-
priation.

SECTION 7. The legislature reserves the right to revoke,

Right to annul. alter or annul the charter hereby granted, whenever it may be thought expedient,

Deed executed by W. H. Jones & Jane W. his wife to Margaret W. Johnson acknowledged of validated.

SECTION 8. That a certain deed of conveyance made and executed by William H. Jones and Jane W. his wife, of Somerset county, in the state of Maryland, to Margaret W. Johnston of the same place, bearing date the thirtieth day of March, one thousand eight hundred and thirty-seven, by the said grantors, acknowledged before William H. Curtis and Theodore G. Dashiell, two Justices of the Peace of the state of Maryland, for Somerset county, aforesaid, by whom such acknowledgment is certified, and which deed is recorded in the office for recording of deeds in the city and county of Philadelphia, in deed book, G. S., number one, page five, and so forth, shall be deemed and adjudged to be as good and valid in law for the purpose of granting, conveying, and assuring the hereditaments and premises therein mentioned, situate on the north side of Mulberry street, between Delaware sixth and seventh streets, in the city of Philadelphia, with the appurtenances; and the record thereof shall be of the same effect as if the acknowledgement of the same deed had been in the same way, manner and form taken and certified by and before any Judge, Alderman, or Justice of the Peace, of and within this commonwealth.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 135.]

A FURTHER SUPPLEMENT

To the act entitled "An act authorizing the Governor to incorporate the York Water company," passed the eighth day of February, one thousand eight hundred and sixteen.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That in addition to the authority given to "The York Water company," the president and managers thereof, are hereby authorized and empowered to proceed to

bring into the borough of York, such additional supply of water as they shall deem sufficient, from such spring or springs, stream or streams as they may select, and shall have power for that purpose to force water, if necessary, by water or steam power into a reservoir or reservoirs, which they may construct for its reception, and may also bore for water, or contract with individuals or other companies to bore for water, and to bring such water in trunks or pipes, through or across any field or enclosure along any road or highway, and through any of the streets and alleys of the borough of York and Freystown, and shall at all times have liberty and power to repair or re-construct such pipes, trunks, reservoirs or other works, and to occupy lands necessary to carry into effect the objects of this law, and may augment their capital by selling additional shares of stock, or may borrow money for the purposes herein mentioned.

Company to procure additional supply of water.

Powers.

SECTION 2. That the president and managers aforesaid, with their engineer and agents, may enter upon any lands for the purpose of examining the best course for conducting the water, and selecting the ground for additional reservoir or reservoirs, doing the least possible damage to the owners, but shall not break ground or commence the construction of any of said works, without the consent of the owner or owners of any land intended to be occupied, until the value of the land so intended to be occupied, as well for the erection of additional reservoir or reservoirs to said company's present works, as for new works and additional springs or streams, shall first have been ascertained or estimated, and the amount paid or tendered agreeably to the provisions hereinafter contained.

Power to examine and select ground.

Owners of lands compensated.

SECTION 3. That whenever it shall be necessary for the said president, managers, and company, to enter upon and occupy any lands, spring or springs, or water courses, for the purpose of erecting additional reservoir or reservoirs for their present works, and for erecting new works, to convey water from additional springs or streams, and occupying the same, if the owner or owners of such land, spring or springs, or water courses, shall refuse to permit such entry or occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done by such entry or occupation, or if such owner or owners thereof shall be feme covert, under age, non compos mentis, out of the state, or unknown, then it shall be lawful for the court of Common Pleas of York county, on application of the said president and managers, or of the owner or owners of such lands, and the said court is hereby directed to appoint three discreet citizens of the county of York, not interested in the question to be decided, who after viewing the premises and hearing the parties, their proofs and allegations, if any shall be offered, shall on

Proceedings when parties cannot agree upon compensation.

Viewers.

oath or affirmation estimate the value of such land to be occupied, and the injury or damage, (if any,) that in their opinion will be sustained by the owners of such lands, springs, or water courses, and report the same to the said court, which report being confirmed by the court, judgment shall be entered thereon, and the viewers shall be entitled to like fees for their services as are allowed by law to the viewers of public roads and highways, to be paid by the said water company: *Provided*, That from such award either party may appeal as from the award of arbitrators, under the act of assembly, passed the sixteenth day of June one thousand eight hundred and thirty-six: *Provided further*, That upon payment or tender of payment by the said company, the sum specified in the report of said viewers or appraisers, the president and managers of said water company, with their agents and workmen, may immediately take and use such lands, springs, or water courses, without awaiting the issue of such appeal, subject to the payment of balance on either side, according to the final termination of the case, and on the payment of the amount of such award of the said appraisers, or in case of the appeal of the balance, according to the final termination of such case, the said company and all who act under them, shall be acquitted, and freed from all responsibility for and on account of such injury.

Fees.

Proviso.

After tender made may construct.

Hydrants.

SECTION 4. That in all cases where the said company shall extend their trunks in such streets of said borough, not heretofore supplied, they shall erect public hydrants, and in supplying individuals with water be governed in all respects, according to the eighth section of the act to which this is a supplement.

WM. HOPKINS,

Speaker of the House of Representatives,

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty,

DAVID R. PORTER.

[No. 136.]

AN ACT

To incorporate the City of Allegheny.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the inhabitants of the borough of Allegheny, in the county of Allegheny, as the same extends ^{City incorporated.} and is now incorporated, are hereby constituted a corporation and body politic, by the name and style of "The Mayor, ^{Name.} Aldermen and Citizens of Allegheny," and by the same name shall have perpetual succession, and they and their successors by such name, shall at all times for ever be able and capable in law, to have, purchase, receive, possess and enjoy lands, tenements and hereditaments, liberties, franchises and jurisdictions, goods, chattels, and effects, to them and their successors for ever, or for any other or less estate, and the same lands, tenements, hereditaments, goods, chattels and effects, by such name to grant, bargain, sell, alien, convey, mortgage, pledge, charge and encumber, or demise and dispose of at their will and pleasure, and by the said name, shall be able and capable in law to sue and be sued, plead or be impleaded, answer and be answered unto, defend and be defended, in all courts of record and elsewhere, in all manner of suits, actions, complaints, pleas, causes, matters and things, that to the said city as a body politic and corporate in law, and in fact shall and may appertain, and for that purpose shall have and use one common seal, and the same from time to time may change, ^{Liberties and franchises.} ^{Seal.} alter, deface and make anew.

SECTION 2. That the freemen of the said city of Allegheny, citizens of the state, or of the United States, who have resided within the bounds of the said city at least ten days immediately preceding the election, and within that time paid a borough or city tax, shall meet in their respective wards as hereinafter designated, or as may be at any future time designated by the select and common councils, on the second ^{Annual election of} Tuesday in July next, and on the second Tuesday in January following, and yearly thereafter; and elect by ballot one of the aldermen of the said city, or any other citizen thereof, as mayor of the said city, and at the same times and places elect by ballot four persons for each ward, qualified to serve as

- members of the House of Representatives of this Commonwealth, to be members of the common council of the said city, who shall hold their offices until the next following election thereafter, and until their successors are duly qualified, and also at the first election aforesaid, three persons for each ward qualified to serve as Senators of this Commonwealth to be members of the select council of the said city, who shall forthwith after their election in each ward divide themselves by lot into three classes, the seats of the first class to be vacated on the second Tuesday in January next; of the second class at the expiration of the first year, and of the third class at the expiration of the second year thereafter, so that one-third may be chosen in each and every ward, that is to say, one person for each and every ward every year after the first election, to be held on the second Tuesday in July next; and the first election to be held under this act, shall be held and conducted by the burgess and town council of the borough of Allegheny, at such places as may be appointed by them in each of the wards of the said city, and all elections thereafter, shall be held and conducted by the aldermen of the said city, or any four of them, who shall take the usual oaths or affirmations, as prescribed by the general election laws of this commonwealth, to be taken by the judges and inspectors of the general elections; and shall have power to appoint clerks of such elections, and to administer the necessary oaths to such clerks; and when each election to be had and held pursuant to this act shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the persons herein authorized to hold and conduct such election, or a majority of them, shall prepare and make under their respective hands and seals, a return thereof, containing the names of the mayor, and the name of each select and common council man, elect as the case may be, with the number of votes in favor of each of them, and shall within twenty-four hours after the closing of each of the said elections, give notice in writing to the mayor elect, and to each of the said select and common council men elect of their respective elections, as the case may be, and shall also deliver such return to the select and common councils elect at the times and places in and by this act appointed for them respectively to meet and receive the same, and the said returns shall thereafter be deposited and preserved with the clerks of each council respectively; and the said elections shall be conducted in all other respects as is now prescribed by the existing laws of this commonwealth, and it shall be the duty of the mayor of the said city to give at least ten days previous notice of the time and places of holding such elections.
- SECTION 3.** That the said city shall be divided into four wards, in the manner following. All that part of the city em-
- Com. council.
- Select council.
- Classified.
- First elections how held.
- Subsequent elections how held.
- Returns.
- Deposited.
- Notice of election.
- Four wards.

braced between the Allegheny river and Ohio street, and lying west of Federal street, shall constitute the first ward; all that part north of Ohio street and west of Federal street, shall constitute the second ward; all that part north of Ohio street and east of Federal street, shall constitute the third ward; and all that part between the Allegheny river and Ohio street, and east of Federal street, shall constitute the fourth ward.

SECTION 4. That it shall be lawful for the qualified electors of the aforesaid wards, and such other ward or wards as may be hereafter created and established, under the same provisions and regulations, as are prescribed by the act relating to the elections of this commonwealth, passed the second of July, one thousand eight hundred and thirty-nine, on the day first herein appointed for the election of members of the select and common councils, and on the second Tuesday of January following, and yearly thereafter, to elect two inspectors and one judge of said election, and according to the provisions and regulations of an act providing for the election of aldermen and justices of the peace, passed the twenty-first of June, one thousand eight hundred and thirty-nine, on the said second Tuesday of January, two aldermen for each of the wards of the said city, except the ward or wards where justices of the peace now in commission reside, who are hereby declared to be aldermen of the said city, or if the said justices reside in separate wards, the electors are hereby authorized to choose one alderman for each of said wards, so that not more than eight aldermen shall be commissioned for said city, who shall hold their offices for the time prescribed by the constitution of the commonwealth, and shall have, respectively and severally, all the powers, jurisdictions, authorities, fees, and perquisites of justices of the peace of the commonwealth. And on the said second Tuesday of January, and on the same day annually thereafter, the said electors of the said city are hereby authorized to choose for each of said wards constables and assessors, as is prescribed by the several acts of the commonwealth for the election of constables and assessors, and the constables and assessor or assessors who may be chosen, pursuant to said laws, prior to the said second Tuesday in January next, shall hold their offices until said day and no longer. And the inspectors, judges, and clerks of the general election, shall meet at the places designated by the councils, within the limits of their respective wards, and proceed, in all respects, according to the provisions of the act of the second of July, one thousand eight hundred and thirty-nine: *Provided*, That it shall not be lawful for any inhabitant of the said city, to vote at any other place except within the ward where he may reside.

SECTION 5. That the said select and common council men elect, shall meet at such places, in the said city, as the said councils, each for its own body, may, after the first election,

agree upon, and afterwards at such place as by any ordinance duly passed, may be fixed for that purpose, between the hours of ten and twelve of the clock in the forenoon, on the Friday next following each, and every election of select and common council men, to be held in pursuance of this act, and shall then and there receive the returns aforesaid, and shall forthwith proceed to examine the same and to judge and determine thereon, and for that purpose, and to the end and intent that this act, or the provisions herein contained, may not be ineffectual, the said select or common council men elect, as the case may be, who shall be elected and returned as aforesaid, or a majority of them who shall be a quorum for all business, shall be judges of their own elections and shall have full power and authority to approve thereof or to set aside the same, or afterwards to vacate the seat of any member for misbehaviour, neglect of duty, or other misdemeanor, and to order new elections, as the law may require to be held, at such times as shall be by such council respectively appointed, of which they shall give at least six days previous notice, in one or more of the public papers printed in the said city, which election shall be held by the persons herein authorized to hold and conduct the annual elections of said city, who are hereby enjoined to do and perform the duties herein required of them at such special or occasional election, and to make return of such election in manner as aforesaid, and so, in like manner, as often as occasion may require, upon the death or resignation of a member or members of either of the said councils.

SECTION 6. That each and every select and common council man who shall be elected, chosen and returned in manner aforesaid, and whose election shall be so, as aforesaid, approved of, shall, before he enters on the execution of his office, take a solemn oath or affirmation before the president or one of the judges of the court of common pleas of the county of Allegheny, or before the mayor of said city, for the time being, "well and faithfully to execute the office of a select council man or of a common council man (as the case may be) of said city," and shall thereupon, without any further or other commission, enter upon the duties thereof, and shall hold and exercise the same until the term of office therein shall expire as directed in and by this act.

SECTION 7. That the power of the corporation of the said city shall be vested in the said select and common councils, who shall have full power and authority to make, ordain, constitute and establish such and so many laws, ordinances, regulations and constitutions (provided the same shall not be repugnant to the laws and constitution of the United States or of this commonwealth) as shall be necessary or convenient for the government and welfare of the said city, and the same to enforce, put in use and execution by constables and other proper officers, whom they shall have power to appoint, and

Powers relative to elections.

Notice of new election.

Oath or affirmation of council.

Powers of council.

Ordinances.

at their pleasure to revoke, alter, and make anew as occasion may require, and shall have, hold and enjoy in addition to the powers now vested in the borough of Allegheny, which are hereby transferred to and vested in the said councils, all the powers and authorities now vested by law in the select and common councils of the city of Philadelphia. Powers of Philadelphia councils.

SECTION 8. That in order that a knowledge of the said laws, ordinances, regulations and constitutions may at all times be had and obtained, and the publications thereof at all times be known and ascertained, such and so many of them as shall not be published in one or more of the public news-papers published in the said city, or in such other way as the select and common councils may direct, within fifteen days from and after their being severally passed, ordained and established, and also recorded in the office of recorder of deeds in and for the county of Allegheny, (who shall keep a separate book for that purpose, and shall be allowed and paid for recording thereof, at the same rates as are allowed by law for recording deeds,) within thirty days from and after their being so, as aforesaid, passed, ordained and established, shall be null and void, and before any of the said laws, ordinances, regulations and constitutions shall be so, as aforesaid, recorded; the publications thereof respectively with the times thereof shall be proved by oath or solemn affirmation of some credible person, which said oath or affirmation shall be recorded therewith, and at all times be deemed and taken as sufficient evidence of the time of such publication. Ordinances, &c. published Publication proved.

SECTION 9. That the doors of the respective halls of the said select and common councils shall be open for the admission of all peaceable and orderly persons who shall be desirous of being present at the discussion of any by-laws, ordinances, rules or regulations, for the welfare and good government of the said city. Open doors.

SECTION 10. That it shall be the duty of the mayor to promulgate the by-laws, rules and ordinances of the corporation, and specially to attend to the due execution and fulfilment of the same, and he shall be entitled to receive, hold and enjoy all the emoluments which by the laws and ordinances of the corporation may hereafter be annexed and attached to the office of mayor, and the mayor elect shall take a solemn oath or affirmation before the president or an associate judge of the court of Common Pleas of Allegheny county, "well and faithfully to execute the office of mayor of said city," and shall thereupon enter upon and perform the duties of the said office without any further or other commission, and shall continue in office until a successor shall be duly elected and qualified, and in case of the death, resignation or removal of the mayor or other vacancy in the said office, such vacancy shall be filled by a new election for the remainder of his term of office. Duties and emoluments of mayor. Oath of Vacancy how supplied.

office by the said councils within ten days thereafter, and at least five days notice shall be given in the public newspapers of the city, or, if there be no newspaper published therein, by written or printed handbills, of the time of holding the same, and until the said vacancy is filled by a new election, the select and common councils shall appoint a mayor to act pro tempore.

Wooden houses, &c.

SECTION 11. That the select and common councils of the said city be, and they are hereby authorized and empowered to pass ordinances to prevent any person or persons from erecting or causing to be erected any wooden mansion, house, store, shop, ware-house, carriage-house, or stable within such parts of the said city as the said councils shall by their ordinances from time to time describe and limit.

Draft of city when filed.

SECTION 12. That the select and common councils of the said city shall cause to be made a draft or plan thereof in which shall be distinctly marked the streets, lanes and alleys therein, which said draft or plan shall be filed in the office of the city regulator, and shall be always open to public inspection, and the said councils shall have, exercise and enjoy all the powers, authorities and jurisdiction touching the opening, extending, widening or otherwise altering of streets, lanes and alleys within the said city, as are now exercised or enjoyed by the select and common councils of the city of Pittsburg; and all the general provisions of the several acts of assembly now in force and touching or relating to the opening, widening, extending or otherwise altering of streets, lanes and alleys within the said city of Pittsburg, are hereby extended to and made a part of the charter of the said city of Allegheny.

Streets, lanes, alleys, &c.

Title of commonwealth to certain lands vested in city.

SECTION 13. That the right of this commonwealth to all the lands within the limits of the said city of Allegheny, mentioned in the fourth section of the act of assembly of the eleventh of September, one thousand seven hundred and eighty seven, excepting such parts thereof as have heretofore been appropriated by grant and authority of law, is hereby granted and vested in the said city of Allegheny for such public uses as are recited in said act, and such other public uses as the select and common councils may from time to time direct and ordain; *Provided however*, That no part of the said land allotted by the said fourth section of the act of one thousand seven hundred and eighty-seven for a common, shall be applied to any other purpose, without releases first being had and obtained from such persons as are entitled to a right of common in such land, or from as many such persons as may by law grant a right to the whole or any part of said common.

Proviso.

Jurisdiction

SECTION 14. That the select and common councils of the said city may, whenever they deem it necessary, confer upon the mayor and aldermen of the said city, the jurisdiction,

power and authority to recover summarily, or by penal action, as the case may be, any fines and forfeitures inflicted for the violation of the provisions of any ordinances which may hereafter be enacted and ordained by the said councils for the government of the said city: *Provided*, That the said fines and forfeitures do not exceed one hundred dollars; *And provided further*, That in all summary convictions where fines, forfeitures and imprisonment are inflicted, the person or person or persons convicted may appeal to the next court of Quarter Sessions of the county of Allegheny, within ten days after conviction and entering security, approved by the mayor or alderman before whom the conviction has been entered.

Fines, &c.

Proviso.

2d Proviso.

Of appeal.

SECTION 15. And to the further end and intent that there may not be a failure of justice within the said city by reason of any person or persons who may be charged with having committed any offence or offences, therein lurking, or being in secret, or other places in the neighborhood thereof, it shall be lawful for any constable or constables of the said city to whom any warrant, under the hand and seal of the said aldermen, or any of them, shall be delivered, commanding him or them to take any person or persons who shall have been charged with having committed any offence within the said city, and to bring him, her or them before the said aldermen, or any of them, and he and they are hereby enjoined and required to execute the same by making the arrest, if the same can be done at any place within the county of Allegheny, and also by bringing such offender or offenders before the said aldermen or some of them.

Persons charged with offences, &c how secured and disposed of.

SECTION 16. That it shall and may be lawful for the said aldermen before whom any complaint, indictment, plea, matter or thing of a criminal or civil nature, within his or their jurisdiction shall be made, or depending, to issue their subpoena in common form to any persons or persons within this commonwealth, commanding him or them to appear and give evidence therein, and every person to whom the same shall be directed and on whom service thereof shall be duly made, shall attend accordingly and give evidence under such pains and penalties as are by law incurred by any person or persons refusing to attend and give evidence when duly subpoenaed for that purpose.

Subpoenas for witnesses how issued, &c.

SECTION 17. That the mayor and aldermen, or any of them shall and may take and receive the acknowledgement and probate of all deeds and written instruments and receive the legal fees therefor, which acknowledgements and probates shall be as valid, and have the like force and effect as if the same were acknowledged before a judge of the Supreme court, or any judge of the court of Common Pleas within this commonwealth.

Acknowledgment and probate of deeds, &c.

SECTION 18. That it shall be lawful for the select and com-

mon councils, when duly assembled, from time to time, by any ordinance duly enacted, to vest in the mayor of said city for the time being the appointment of such officers within the said city as they may think expedient for the well-ordering and governing the same, and to remove the same from such offices or appointments for misbehavior or otherwise may be necessary, all which officers shall take an oath or affirmation before the said mayor or alderman, well and faithfully to perform the duties of the offices or appointments to them respectfully committed, and the said councils may require security to be given by such officers or any of them, and prescribe the sum and the form in which such security shall be given; and the said officers and their sureties may be sued and recovery had against them for breach of official duty, and for the recovery of fines, forfeitures, penalties, debts and other demands, the ordinary forms of law shall be pursued in the process, judgment and several kinds of execution.

Officers.
Removal.
Oath, &c.
Security.

Aldermen, &c. prohibited from being council men.

SECTION 19. That no alderman of the said city, nor any person holding an office of trust or profit under the laws of this commonwealth, or the ordinances of the select and common councils, the emoluments whereof are paid out of the Treasury of said city shall be competent to serve as a member of the select or common councils.

Property of Allegheny borough vested in city.

SECTION 20. That all the property and estate whatever, real and personal, of the borough of Allegheny, are hereby vested in the corporation or body politic of the city of Allegheny, and their successors in and by this act established by the name, style and title aforesaid, to and for the use and benefit of the said citizens forever, and until the corporation of the said city shall be duly organized under this act, the present charter of the borough of Allegheny shall continue in full force and operation, and all officers under the same shall be appointed, and hold their offices as they now may, or can do by law, and as soon as this act shall go into operation, all suits, prosecutions, debts and claims, whatever, shall by force thereof, become transferred to the said city, and be under the management and control thereof, as fully and completely as if no alteration had been made in the said charter.

Annual publication of accounts, &c.

SECTION 21. That the said select and common councils shall once in every year cause to be published, a just and true account of all the moneys which shall have accrued to them in their corporate capacity during the year preceding such publication, and also of the disposition thereof.

What may not defeat this act.

SECTION 22. That this act and the powers and authorities herein vested in the said city, shall not be impaired, affected, defeated or destroyed, by any neglect or omission to appoint all, or any of its officers at the time, or times allotted for the same, and in the case of any such defect or omission, the bur-

gess of the borough or the mayor of the said city, as the case may be, or in default of either of the two former, the aldermen or a majority of them shall forthwith take all necessary measures to cure and supply such defects and omissions, giving at least twenty days' notice thereof, in the public newspapers of the said city, or if there shall be no newspaper published therein, by written or printed handbills posted up at the most conspicuous place within the boundaries of the said corporation.

SECTION 23. That no inhabitant of the said city of Allegheny, otherwise competent to give testimony, shall be excluded from being a witness in any court of this commonwealth, by reason of his residence in the said city, and being subject to taxation therein, or by reason of any interest which he has, or may have in the common or public ground in said city, or by reason of any interest which the said city now has, or may hereafter have in any ground granted for public purpose, which is or may become the subject of suit, and in which any such inhabitant may be called to give testimony. Who may be witnesses.

SECTION 24. The legislature reserves the right to alter, amend or revoke, any part of, or the whole of this charter at any time, when it may be deemed expedient. Repeal.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 137.]

A N A C T

To incorporate the German Convention for promoting education.

WHEREAS a number of delegates chosen by citizens of the United States, being native Germans or descendants of Germans, have at sundry times met in convention, in this state, for the purpose of devising means to promote the cause of education, particularly among the German population: *And* Preamble.

whereas, they have already by contributions procured sufficient funds to purchase two lots of ground, with suitable buildings for a seminary, in the town of Phillipsburg, in Beaver county, in the state of Pennsylvania, on the banks of the Ohio, directly opposite Beaver river: *And whereas*, the principal object of the patrons of the said establishment, is to cause to be instructed and duly qualified, a number of persons to teach the English and German languages, upon the most improved system, so as to supply schools with competent and able teachers: Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*: That the delegates, (qualified as hereinafter provided) who shall from time to time be elected members of the German convention, for the purpose of promoting the common interest of the Germans in the United States, particularly with regard to education, and their successors, from time to time qualified and chosen as aforesaid, be and they are hereby made and constituted a corporation and body politic, in law and in fact, to have continuance so long as this act of incorporation shall remain unrepealed, (the power to do which is reserved to the discretion of the legislature) by the name, style, and title of "The German Convention for promoting Education."

SECTION 2. That the said corporation and their successors, by the name, style and title aforesaid, shall be able and capable in law, as well to take, receive and hold, all and all manner of lands, tenements, rents, annuities, liberties, franchises and other hereditaments, which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised or otherwise, conveyed to the said convention, or to any person or persons for them or for their use, or in trust for them; and the said corporation and their successors, are hereby declared to be seized and possessed of such estate or estates therein, as in and by the respective grants, bargains, sales, enfeoffments, releases, devises or conveyances thereof, is or are declared limited and expressed; as also, that the said corporation and their successors, at all times hereafter during the continuance of this charter, shall be capable and able to purchase, have, receive, take, hold and enjoy in fee simple, or other less estate or estates, any lands, tenements, rents, annuities, liberties, franchises or other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation or devise, of any person or persons bodies politic and corporate, capable to make a gift or bequest; and further, that the said corporation and their successors, may take and receive any sum or sums of money, and any manner and portion of goods and chattels that shall be given and bequeathed to them, by any person or per-

Delegates incorporated.

Name.

Liberties and franchises.

sons, bodies corporate and politic, capable to make a gift or bequest thereof, such money, goods and chattels, to be laid out by them in purchase or purchases of lands, tenements, messuages, houses, rents, annuities or other hereditaments, to them and their successors or the moneys lent on interest, or otherwise disposed of according to the articles and by-laws of the said society, and the intention of the donors : *Provided*, That the clear yearly value or income of the messuages, houses, lands, tenements, rents, annuities or other hereditaments, and real estate of the said corporation, and interest of money lent, shall not exceed the sum of five thousand dollars per annum, to be taken and esteemed exclusive of the moneys arising from any annual or other stated subscriptions or payments. Proviso.
Income limited.

SECTION 3. That the delegates to the said convention shall consist of citizens of the United States of America, who are Germans by birth or descent, and who shall be elected after public notice, by the citizens (Germans by birth or descent,) in the respective cities or counties in the United States, on the first Monday of June, in the year one thousand eight hundred and forty-one, and on the first Monday of June, in every second year thereafter, and on the election of the new delegates the term of those preceding shall expire : *Provided*, That the former delegates shall be re-eligible from time to time, but no city or county shall at any election choose more than three delegates, and not any unless it contains at least twenty-five citizens qualified to elect as aforesaid, who shall assemble for the purpose of holding said election ; and should the number of delegates at any time exceed the number or two hundred, the number elected from each city or county shall be reduced to two or one, so as to bring them within said number, which may be done by classification and lot among the delegates themselves, or in the election of them by the electors. Who may be delegates and how elected.
Biennial election.
Proviso.
City or county delegates limited.

SECTION 4. The said convention shall meet statedly once in every two years, beginning on the second Monday of August, one thousand eight hundred and forty-one, at Phillipsburg, in Beaver county, in this state, or such other place in this state as may be designated. The officers shall consist of a president, of one or more vice-presidents, a secretary and treasurer, the last of whom shall give security satisfactory to the convention for the faithful performance of his duties, all of whom are to be chosen by ballot : the convention may sit at other times by its own adjournment, or upon a special call to be made as may be designated by its rules : the officers are only to be chosen at each biennial session of the convention, which may also appoint such committees and agents as may be found convenient and proper, for furthering the object of its institution. Stated meetings where held.
Officers.

SECTION 5. That the rents, income and profits, arising from the said real and personal estate of the said corporation, shall

Rents, &c.
how appro-
priated.

Basis of in-
struction.

Who may be
taught gratis.

By-laws.

Proviso.

Seal.

General pow-
ers.

by the said convention only, or its express authority or appropriation, from time to time, be applied to the instruction of such or so many persons as they may judge its means will afford, or authorize in a seminary or seminaries or schools, to be provided out of the funds of the said corporation, or erected for that purpose, the basis of which instruction or education is to be the christian religion, as held or taught by professed christians, but without regard to any sectarian principles or views which are to be excluded, and all the branches of a sound republican common education shall be taught there; and such rules and regulations shall be adopted for the seminaries and schools, as will be calculated to ensure a theoretical and practical knowledge of both the English and German languages: the instruction of those who are to be educated for teachers shall be gratis, and it shall be of that kind adapted to make them proficient in teaching to their pupils both the German and English languages, upon the views expressed in this section, in order that there may be an increase of well qualified teachers as aforesaid, who are particularly needed among the German population of the United States.

SECTION 6. That the said corporation and its successors, or a majority of such as shall be convened, at any of the stated or adjourned meetings of the said convention, (not less than thirty members however being present at such adjourned meetings,) shall be, and are hereby authorized and empowered to make rules, by-laws, regulations and ordinances, and to do every thing needful for the good government and support of the affairs of the said corporation: *Provided always*, That the said by-laws, rules, regulations and ordinances, or any of them, be not repugnant to the constitution or laws of this commonwealth, or this act of incorporation, and that all their proceedings be fairly entered in a book to be kept for that purpose, which book, and all the papers and documents of the said convention, and its officers relating to its transactions, shall at all times be liable to the inspection of the speakers of the assembly, and the chief justice of the state for the time being.

SECTION 7. That the said corporation and their successors, shall have full power and authority to make, have and use one common seal, with such device and inscription as they shall think proper, and the same to break, alter, and renew at pleasure.

SECTION 8. That the said corporation and their successors, by the name, style, and title aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded in any court or courts, before any judge or judges, and justice or justices, in all and all manner of suits, complaints, pleas, causes, matters and demands of whatever kind, nature and form they may be, and all and every matter or thing therein

to do in as full and effectual a manner as any other person or persons, bodies politic and corporate, within this commonwealth may or can do.

SECTION 9. That the said corporation shall not be entitled to receive the annual appropriation made to academies, under the fourth section of an act, passed the twelfth day of April, one thousand eight hundred and thirty-eight, entitled a supplement to an act to consolidate and amend the several acts relative to a general system of education by common schools, passed the thirteenth day of June, eighteen hundred and thirty-six. Not to receive annual appropriation.

SECTION 10. The legislature reserves the right to revoke, alter or amend the charter hereby granted, at any time they may think proper.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 138.]

A FURTHER SUPPLEMENT

To the act incorporating the Sunbury canal company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the Sunbury canal company be hereby authorized to connect their canal with the Susquehanna river, at any point between the points mentioned in the act to which this is a supplement, and the southern side of Pokeberry street in the borough of Sunbury, and to feed their canal with water therefrom for the purposes of said company: *Provided*, That the consent of the corporate authorities of the said borough be first had and obtained thereto: *And provided further*, That full compensation shall first be made to the owner or owners of the lands and improvements through which the Power to connect with river Susque'a.
Proviso.
Owners of land first compensated.

same may pass, agreeably to the provisions of the act to which this is a supplement.

SECTION 2. That the time for the completion of the said canal, be and is hereby extended for two years, from and after the expiration of the time now allowed for the completion of the same: *Provided however,* That unless the said canal company shall hereafter commence the said canal on or before the first day of September, Anno Domini, one thousand eight hundred and forty-one, and prosecute the same to completion, with due diligence and perseverance, within the time aforesaid, the authorities and privileges granted by the original act of incorporation shall cease and revert to the commonwealth.

SECTION 3. That the said canal shall not, in any manner, interfere with the basin to be or about being constructed in the said borough of Sunbury, by the Danville and Pottsville rail road company, or with the said rail road, without the consent of the company; and the said rail road company shall have the right of draining the water from said basin, into any part of said canal and its appurtenances, and shall not be obstructed from carrying said water into the ravine commonly called the "Gut," on the eastern boundary of the said borough.

SECTION 4. That the said company shall have power to lay out and construct the said canal of the width of one hundred and twenty feet, if they shall deem it expedient.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 139.]

A N A C T

To incorporate the Woodland Cemetery company of Philadelphia.

WHEREAS, the practice of crowding the dead into small spaces in popular cities, is repugnant to the feelings and prejudicial to the health of the living, and is becoming yearly more

inconvenient, expensive, and dangerous ; *And whereas*, a num- Preamble.
ber of citizens of this commonwealth, hereinafter named, have associated for the purpose of establishing a rural cemetery, at the Woodlands, in the neighborhood of Philadelphia, intending to appropriate the greater proportion thereof for the purpose of interments, whereby the beautiful landscape and scenery of that situation may be perpetually preserved, and its ample space, free circulation of air, and grove of trees afford a security against encroachments upon the dead, and health and solice to the living ; *And whereas*, The said associators have petitioned to be incorporated, with the necessary powers for effecting the important objects aforesaid : Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Charles J. Ingersoll, Benjamin Stiles, Thomas Mitchell, Henry Austie, John Lindsay, William E. Corporators,
Lehman, John V. Cowell, Andrew D. Cash, Robert Ewing, William H. Moore, Jacob Lex, Eli K. Price, Philip M. Price, Benjamin G. Mitchell, Charles F. Lex, and Henry Leech, be and they and their successors are hereby made and created a body politic and corporate in law, under the name, style, and title of the Woodlands Cemetery company of Philadelphia, and by that name shall have perpetual succession, and be able and capable in law, to have and use a common seal, to sue and be sued, implead and be impleaded in all courts of law and equity, and to do all such other things as are incident to a corporation. Name.
Seal.

SECTION 2. That the said corporators shall, at least once in every year hereafter, fill by election by ballot all vacancies Annual elec-
which may occur among them, and may, at the same time or at other times, increase and add to their number from those who may be lot holders in the cemetery, so that the said company shall never be reduced to less than ten nor exceed forty members, and they shall have full power to ordain, establish, and put in execution all such by-laws, rules, and regulations, By-laws.
not contrary to the constitution and laws of the United States, or of this state, which may be necessary for the government of this corporation, its officers and affairs, and, until the election of managers, shall exercise all the powers thereof.

SECTION 3. That the said corporators shall, at least once in every year, elect from their number seven managers, one of whom shall be designated as president, and a secretary and treasurer, who shall make a report of their proceedings, and a statement of their finances at the annual meetings of the corporators, and as much oftener as may be required by a majority of them, the said corporators. Managers, president, &c., to report.

SECTION 4. That the said corporators or managers shall To hold lands
have power to contract for and purchase from the owner

Quantity limited. or owners thereof, so much of the said Woodlands estate, not exceeding seventy-five acres, as they may think necessary for such cemetery, and the same to lay out and ornament, and to divide and arrange into suitable plats and burial lots, To improve. remove or alter old, and erect and build new buildings, and to do all other things, proper and necessary to be done, to adopt the said ground for the purpose of a cemetery, and to sell and dispose of such plats and burial lots in fee simple or otherwise, for the purpose of sepulture to individuals, societies or congregations, without distinction or regard as to sect, under such conditions, rules, and regulations as the said corporators or managers may establish for the government of lot holders, visitors to the cemetery, and burial of the dead.

SECTION 5. That the said managers shall have power to appoint all other officers, agents and workmen which may be needful, and fix their compensation or wages, and the same to discharge at pleasure; to take from the treasurer security for the faithful performance of his trusts, and to discharge him from his office upon occasion therefor; and they, the said managers, shall keep fair minutes of all their acts and doings.

SECTION 6. That the said company shall be capable of holding so much personal property as may be necessary for the purpose of this incorporation, and it shall be the duty of the managers, out of the proceeds of the sale of burial lots, to create a fund to be invested in ground rents or mortgages, the income whereof shall be of adequate amount and, applied as may be necessary, for the improvement and perpetual maintenance of the cemetery in proper order and security, and at least ten per cent. of the purchase money of all burial lots sold, shall be set aside for said improvements and the creation of said perpetual fund, and any failure in the duties aforesaid, shall subject said managers or corporation to the control of the competent judicial authority for correction.

SECTION 7. That forasmuch as humanity, and a decent respect for the dead and the feelings of the survivors, require that the graves of the deceased should never be violated, nor families separated in their last resting place. No public street, road or passage shall ever be opened through the said cemetery, without the consent of the said corporation, under their execution, &c common seal.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 140.]

A FURTHER SUPPLEMENT

To an act, entitled an act relating to Orphan's courts, passed the twenty-ninth day of March, one thousand eight hundred and thirty-two, and the supplement thereto, passed the fourteenth of April, one thousand eight hundred and thirty-five, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That where auditors are required to be appointed by the Orphan's courts of this commonwealth, pursuant to the nineteenth or thirty-fourth sections of the act of twenty-ninth of March, one thousand eight hundred and thirty-two, or the first section of the act of fourteenth of April, one thousand eight hundred and thirty-five, to which this is a supplement, it shall be lawful for said courts to appoint either one or three auditors, at their option, any thing in said laws to the contrary notwithstanding; and it shall hereafter be the duty of the Orphans' court to appoint auditors, according to the provisions of the nineteenth section of the act, entitled an act relating to Orphan's courts, passed the twenty-ninth day of March, one thousand eight hundred and thirty-two, on the application of any creditor as they are now authorized to do, on the application of the executor or administrator; and it shall be the duty of the Orphans' court, upon the application of any legatee, heir or other person interested in the distribution of the estate of any decedent, to appoint at such time as they may think proper, one or more auditors, to make distribution of such estate in the hands of any executors or administrators, to and among the persons entitled to the same.

SECTION 2. Whenever it shall happen that a devisee, legatee or distributee, being in his or her minority, shall reside out of this state, and the whole or any portion of his or her devise, legacy or share, shall be necessary for the support, maintenance or education of such minor, resident in another state, the Orphan's court having jurisdiction of the accounts of the executor, administrator or guardian, shall have power, upon the petition of such executor, administrator or guardian, having the estate or legacy, or share of the said minor in his, her or their hands, possession or control, or if such minor, his or her guardian, duly appointed by the court of that state

Auditors, one or three under sections of former acts may be appointed by courts.

Orphans' Court to appoint auditors on application of creditor, as appointed on application of executor or administrator.

Minor legatees, &c. residing out of this state may collect legacy or share, &c

where the said minor resides, to make such order touching the payment of such legacy, distribution, share or proceeds of a devise, or such part thereof, for the use and benefit of such minor, as to the said court shall appear to be necessary and proper, and such payment shall be made to such person or persons as shall be designated by the court, and when thus made, the said executor, administrator or guardian shall be entitled to a credit for the same in the settlement of his, her or their account.

Certain proceedings in partition made valid.

SECTION 3. That all proceedings heretofore had in Orphans' Courts of this commonwealth, for the partition of any testator's estate or estates, wherein partition hath been made, or the property taken at the valuation, or sold and conveyed under the order of such court, by executors or administrators, and the proceeds of such sales distributed according to the will of the testator, shall be considered and taken to be as valid and effectual as if such courts had had jurisdiction of the same.

Jurisdiction of Orphans' Courts in partition &c. extended.

SECTION 4. The jurisdictions of the several Orphans' Courts of this Commonwealth, in the partition and valuation of the real estates of decedents, shall extend to all cases of testacy wherein the parties interested, or any of them are minors, or the course of descent is not altered by the provisions of the last will and testament of the decedent, and the same proceedings shall be had thereon as in cases of intestacy, subject always however to the provisions of the said last will and testament, and the true intent and meaning of the testator. *Provided however*, That nothing in this section contained shall be construed to prevent any of the parties interested in the said real estate from proceeding by action of partition as heretofore.

Proviso.

Luzerne co. attached to 13th Judicial district.

SECTION 5. That from and after the first day of January next, the county of Luzerne shall be attached to and form a part of the Thirteenth Judicial District, and the President of said district and the associate judges of Luzerne county shall hold the several courts for the said county.

Susquehanna co. attached to 11th Judicial district.

SECTION 6. That from and after the first day of January next, the county of Susquehanna shall be attached to and form a part of the Eleventh Judicial District, and the president of said district, and the associate judges of Susquehanna county shall hold the several courts for the said county.

Commencement of courts in Monroe co. changed.

SECTION 7. That the several courts of the county of Monroe shall, after the next term of said courts, commence and be holden on Tuesday of the week in which they are now by law held, instead of Monday.

SECTION 8. In all cases where any sheriff, prothonotary, or register of wills, or clerk of court is or shall be required by law or an order of court, to publish any notice in the newspapers, and is allowed by law, in said order, to charge the ex-

pense of said advertisements, it shall be the duty of said officer to make out a bill showing specifically the amount actually paid for printing said notice, and if said officer shall charge any greater or other amount than that actually paid for publishing such notice, he shall be subject to the penalties prescribed by law for taking illegal fees, to be sued for and recovered in the manner provided by the twenty-sixth section of the act, entitled an act establishing a fee bill, passed the twenty-eighth day of March, one thousand eight hundred and fourteen, but subject to the limitations contained in the fifteenth section of the supplement to said act, passed the twenty-second day of February, one thousand eight hundred and twenty-one; *Provided*, That this penalty shall not take effect until the first day of August next.

SECTION 9. It shall be the duty of the Judges of the court of Common Pleas of Montgomery county, or a majority of them, the president being one, with the commissioners of said county, to examine into the condition of the books in the recorder's office of said county, in which deeds, mortgages, assignments and miscellaneous papers are recorded, and also the books containing the general indexes of the deeds and mortgages, and if the said Judges shall be of opinion that the interest and safety of the public and the individuals having deeds and mortgages recorded in said office require that such indexes should be transcribed, or that new general indexes of such deeds and mortgages should be made, and that the expense thereof would not be too great, they shall make an order directing the recorder of deeds to procure books of such size and quality as they may think suitable for such indexes, and to transcribe therein the general indexes now in said office, or make new general indexes of the deeds, mortgages, assignments and other miscellaneous papers, excepting commissions and their accompanying bonds, and papers recorded in said office as they may deem proper, in a plain, neat and legible hand, in the form and manner in which the general indexes in said office are made, and shall make such order respecting the other books of record in said office as they may deem necessary and proper; and when the said indexes shall be transcribed or new general indexes made agreeably to the order of said Judges, and other services so directed shall be performed, the books shall be submitted to the said judges and commissioners, and if the same be approved they shall fix the amount of the compensation to be paid for the services directed to be done, which sum together with the costs of the books procured shall be paid by the county commissioners, by orders drawn on the treasurer of said county. And thereafter the said indexes shall be kept up by the recorder of deeds for the time being, without any fee or compensation.

But if the said judges on inspecting the general indexes of deeds and mortgages, now in said office, shall be opinion that it is unnecessary to have the same transcribed, or to have new indexes to such deeds and mortgages made, the said recorder shall then procure four books of the size of the general indexes now in said office to continue therein the said general indexes of the deeds, mortgages, assignments and other miscellaneous papers, excepting commissions and their accompanying bonds and papers, which shall hereafter be recorded in said office, which shall be kept up by the recorder of deeds for the time being, without any fee or compensation, and the expenses of procuring said books shall be paid by the said county commissioners by orders on the county treasurer.

Books, indexes, &c.

Duties of Prothonotary of Montgomery county.

SECTION 10. It shall be the duty of the Prothonotary of the Court of Common Pleas of Montgomery county to procure a suitable book or books, and transcribe or cause to be made therein, at least two indexes to all the proceedings of said court since its organization, contained in the continuance dockets in the Prothonotary's office, in a plain, neat and legible hand, one of which indexes shall contain the names of the plaintiffs, and the other the names of the defendants, so arranged as to afford an easy and ready reference to the matters contained in said continuance dockets, with a note stating the result of the case if the same shall have been terminated, and which shall be added whenever the cases now pending shall be terminated. And when the said indexes shall be completed, they shall be submitted to the judges and commissioners named in the preceding section, who shall fix the compensation, to be paid to the Prothonotary for said services, which, with the costs of said books shall be paid by said commissioners, by orders drawn on the county treasurer, and thereafter the said general indexes shall be kept up by the Prothonotary for the time being, without any fee or compensation. The said judges and commissioners shall also examine into the condition of the books and dockets in said Prothonotary's office, and if they should be of opinion that general or other indexes should be made, besides the general indexes

Duties of judges and commissioners.

Duties of judges and commissioners to examine books, &c. in Prothonotary's office,

above directed to be made, for any such books or dockets, or that any indexes in said office should be transcribed or that any thing else should be done for the safe keeping and preservation of said books and dockets, the said judges shall make an order directing said prothonotary to procure suitable books and cause such general or other indexes to be entered therein in a plain, neat and legible hand, in such manner as they shall direct, and when the said services shall be performed, the books shall be submitted to the said judges and commissioners, and if approved they shall fix the amount of the compensation to be paid for making the above mentioned indexes and for performing the other services above mentioned, and the

amount thereof with the costs of such books shall be paid by said commissioners, by orders drawn on the county treasurer.

SECTION 11. That the new seals procured by the commissioners of the counties of Somerset and Bedford, for the several courts of the said counties, be, from and after ten days from the passage of this act, the seals of the respective courts for which they were procured, and that all process, certificates, and proceedings heretofore sealed with either of the said seals, as the seals of the court for which it was procured, shall be and the same is hereby declared to be valid in law, to all intents and purposes.

New seals for Somerset and Bedford. when to be used in courts.

SECTION 12. It shall be lawful for any court within this commonwealth, in which any trial or question arising on a writ of quo warranto is or may hereafter be pending, on the expiration of the term of office, or the resignation of the relator or relators, or person or persons against whom the same has or may have issued, if said court shall be of opinion that the attainment of substantial justice, and the trial of the rights in question, requires the substitution of the person or officer elected or appointed to fill the place of such relator or relators, defendant or defendants, to order and decree that the person or persons so elected or appointed, shall be substituted in the room or stead of the person or persons so resigning, or whose time of office has expired, and direct such notice to be served on the person or persons so substituted, as to said court shall seem just and reasonable, after which the cause shall proceed to final hearing and adjudication, in the same manner as though no change had taken place.

Writs of Quo Warranto.

Substitution of names.

SECTION 13. In all questions arising on writs of quo warranto between persons claiming to be duly elected to fill any office, it shall be lawful for the court trying the same, to decide both on the legality of the election of the party claiming said office, as also of the party in possession of the same, and if judgment of ouster is given against the party in possession, said court may decree that the office shall be held by the person or persons who they shall be of opinion is duly elected; and after judgment of ouster, when it cannot be ascertained who is duly elected, said court may order a new election to fill said office, to be held at such times thereafter as shall be appointed by such court.

Writs Quo Warranto cr's may decide legality of possessor or claimant.

May order new elections.

SECTION 14. When the persons claiming to be officers of any corporation shall be ousted by the judgment of any court, on a writ of quo warranto, it shall be lawful for said court to appoint not less than three nor more than nine trustees to take charge of said corporation, who shall be selected and chosen by the said court, out of such persons as are, by the charter of said corporation, competent to be elected officers thereof, and said trustees so appointed, shall exercise and perform all the duties of officers of the said corporation, until others shall be appointed.

Quo Warranto ouster in case of corporation, court to appoint trustees.

Powers of Trustees.

elected in their stead, pursuant to the law, regulating said corporation, or the order of court, where there is no sufficient law providing for the same.

Alterations in 11th and 13th Judicial disc't. SECTION 15. The alterations in the eleventh and thirteenth judicial district, as provided in the fifth and sixth sections of this act, shall take place from and after the first day of April next, instead of the first day of January next, mentioned in said section.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The thirteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 141.]

A N A C T

To incorporate the President, Managers and Company of the Bustleton and Summerton Turnpike Road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Franklin Comly, Israel Walton, John Fox, Josiah Walton, Jacob Snyder, Benjamin Snyder, James L. Dunn, John Vanzant, Jacob Shallcross, John Rupert, Jacob Shearer, James Carter, Jonathan Wilson, and Robert C. Green, of Philadelphia county; Franklin Vanzant, Marden Wilson, Thomas H. Buckman, Phineas Jenks, Joseph Morrison, John Eastburn, Joseph Comly, Aaron Feaster, Thomas Buckman, Lewis S. Corryell, Amos Wilkinson, John A. Mitchell, Simon V. Fenton, and Michael H. Jenks, of Bucks county; John Walton, Israel Hallowell, Christian Snyder, Amos Harris, Derrick Hogeland, William Eyre, George Woodward, William Rankin, John Smith, Richard Robb, Jorman Murray, and Thomas Warner, of Montgomery county, be and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned, that is to say, they shall, on

Commis'rs.

or before the first day of July next procure two books, and in To procure
 each of them enter as follows: "We, whose names are here- books.
 unto subscribed, do promise to pay the President and Mana-
 gers of the Bustleton and Summerton Turnpike Road com-
 pany, the sum of twenty-five dollars for every share of stock Form of sub-
 set opposite to our respective names, in such manner and pro- scriptions.
 portions, and at such times as shall be determined by the pre-
 sident and managers of said company, in pursuance of an act
 of the general assembly of this commonwealth, entitled an act
 to incorporate the President and Managers of the Bustleton
 and Summerton Turnpike Road company. Witness our
 hands, the day of , in the year of our Lord,
 one thousand eight hundred and forty;" and thereupon shall
 give notice, in two public papers printed in the city of Phila-
 delphia, and one in the county of Bucks, for twenty days at
 least of the time and places when and where the said books
 shall be opened to receive subscriptions for the stock of the
 said company, at which time and places one of the said com-
 missioners shall attend, and permit and suffer all persons of Who may sub-
 lawful age, who shall offer to subscribe in said books, in their scribe.
 own names or in the names of any other persons, who shall
 duly authorize the same, for any number of shares of stock;
 and the said books shall be kept open respectively for the
 purposes aforesaid, at least six hours in every juridical day,
 for the space of five days, or until the said books shall have
 two hundred shares therein subscribed; and if at the expira-
 tion of the said five days, the books aforesaid shall not have
 the said number of two hundred shares therein subscribed, the
 commissioners respectively may adjourn from time to time, and
 transfer the said books from place to place until the whole num-
 ber of shares shall be subscribed, of which adjournment and
 transfer the commissioners aforesaid shall give such public no-
 tice as the occasion may require; and when the whole number of
 shares subscribed shall amount to two hundred, the same shall
 be closed: *Provided, always,* That every person offering
 to subscribe in said book, in his own or any other name, shall Proviso.
 previously pay to the attending commissioner or commission-
 ers the sum of one dollar for every share to be subscribed, out
 of which shall be defrayed such incidental charges and expen-
 ses as may be necessary for taking such subscription, and the
 remainder shall be paid to the treasurer of the corporation as
 soon as the same shall be organized, and the officers chosen as
 hereinafter mentioned.

SECTION 2. When ten persons or more shall have subscribed Letters patent
 fifty shares of the said stock, the said commissioners respec-
 tively may, or when the whole number of shares aforesaid
 shall be subscribed, they shall certify under their hands and
 seals the names of the subscribers, and the number of shares
 subscribed by each to the governor of this commonwealth,

Name, style, and title.	<p>whereupon it shall and may be lawful for the governor, by letters patent, under his hand and seal of state, to create and erect the subscribers ; and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of " the President and Managers of the Bustleton and Summerton turnpike road company," and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same by new subscription, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking, and holding to them and their successors and assigns, and of selling, transferring, and conveying, in fee simple or for any less estate, all such lands, tenements, and hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of sueing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.</p>
Privileges and franchises.	
Organization. Notice.	<p>SECTION 3. That the commissioners aforesaid, as soon as conveniently may be after the said letters shall be sealed and obtained, shall give public notice in two public papers printed in the city of Philadelphia, and one in the county of Bucks, of a time and place by them to be appointed, not less than fifteen days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the subscribers by ballot, to be delivered in person, one president, seven managers, and one treasurer, and such other officers as may be necessary to conduct the business of said company until the last Monday of December next, and until such other officers shall be chosen ; and shall and may make such by-laws, orders, and regulations, not inconsistent with the constitution and laws of the United States, and of this commonwealth, as shall be necessary for the well ordering the affairs of said company : <i>Provided, always,</i> That no person shall have more than twelve votes at any election or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number : <i>And provided also,</i> That no stockholder, whether the original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held, at the time of such election, shall have been fully paid and discharged.</p>
Officers.	
By-laws.	
Proviso.	
Ratio of votes.	
2d proviso.	

SECTION 4. The stockholders of the said company shall

meet on the last Monday of December in every year, at such Annual meet-
place as shall be fixed by their by-laws, for the purpose of ^{ing of compa-}
choosing such other officers as aforesaid, for the ensuing year^{ny}.
in manner and form as shall be determined by their by-laws;
at which annual or special meetings they shall have full power
and authority to make, alter or repeal, by a majority of votes,
in manner as aforesaid, all such by-laws, rules, orders, and re-
gulations, made as aforesaid, and to do and perform any other
corporate act.

SECTION 5. The said president and managers shall make Certificates of
out certificates of stock, signed by the president and counter-stock how is-
signed by the treasurer, and sealed with their corporate seal, sued.
and deliver one certificate to each subscriber, for any share or
number of shares by him or her held, on him or her paying to
the treasurer, on each share so held, the sum of one dollar,
which certificate shall be transferrable in person or by attorney^{Transferrable}.
on the books of said company only, subject to the sum due or
to become due on his share or shares so transferred.

SECTION 6. It shall be lawful for the said president and man-
agers, their superintendents, surveyors, engineers, artists, and ^{Authority to}
chain bearers to enter in and upon all and every the lands, tene-^{enter on lands}
ments and inclosures in, through, and over which the said inten-^{& locate road.}
ded turnpike road may be thought proper to pass, and for that
purpose to examine the ground, and quarries of stone and gra-
vel and other materials that may be necessary in making and
constructing the said road. It shall be made in, over, and
upon the old bed of the Bustleton and Smithfield turnpike road,
commencing at the intersection of said road with the Frank-
ford and Bristol turnpike road at the rocks, to the village of ^{To be made}
Summerton. ^{on old bed of}
^{Bustleton and}
^{Smithfield r'd.}

SECTION 7. The said president and managers, five of whom ^{Meeting of}
shall for that purpose be a quorum, shall keep minutes of all ^{President and}
their proceedings, fairly entered in a book to be kept for that ^{Managers and}
purpose, and shall have full power and authority to appoint, ^{their duties.}
agree or contract with such engineers, superintendents, artists,
laborers, and other persons, as they may think necessary, to
make and construct said road, and collect the tolls hereinafter
authorized, and fix their compensation; to ascertain the times, ^{Of tolls, wa-}
manner, and proportions in which the stockholders shall pay ^{ges and orders}
the amount of their respective shares, in order to carry on their ^{on treasurer.}
work; to draw orders on the treasurer for all debts contracted
by them, which orders shall be signed by the president, or in
in his absence by a majority of the managers and attested by
their secretary, and to do and transact all other acts, matters,
or things as by the by-laws, orders, and regulations of the said
company shall be entrusted to them.

SECTION 8. If any stockholder, whether original subscri-
ber or assignee, after twenty days notice in two newspapers
printed in Philadelphia, and one in Bucks county, of the time

and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed, for the space of thirty days after the time appointed for the payment thereof, any such stockholder shall in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment, and if the same and additional penalty shall become equal to the sum before paid in part on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as may be obtained therefor; or in default of payment of any stockholders of such instalments as aforesaid, for the space of sixty days aforesaid, the president and managers may, at their election cause suit to be brought, in the same manner as debts of like amount are now recoverable, for the recovery of the same, together with the penalties aforesaid.

SECTION 9. It may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen, laborers, their tools and instruments, carts, wagons, and other carriages and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intentions to the occupiers thereof, and doing as little damage thereto as possible, and making amends for damages upon a reasonable and equitable agreement by the parties, or if they cannot agree thereupon, a just and equitable assessment, to be made upon oath or affirmation by three disinterested freeholders, or any two of them to be mutually chosen, or if either party upon due notice shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace of the county wherein the land lies, who shall not be interested therein, and upon the tender of the assessed value, to dig and carry away any timber, stone, sand, earth, or other materials necessary or suitable for making said road: *Provided*, That no part of this act shall authorize the taking of any property by said company, unless the same be previously paid for, or adequate security given to the owners for the payment thereof: *And provided further*, That the court of General Sessions of the city and county of Philadelphia shall, upon the application of any ten of the stockholders of the Bustleton and Smithfield turnpike road company, appoint and direct six disinterested freeholders of the county of Philadelphia, to examine and report to the said court, under their hands and seals, what compensation, if any, should be made to the stockholders of the said Bustleton and Smithfield turnpike road company, for the materials and bridges of the said road, and on confirmation of the report of the said freeholders, or any four of them, the amount so awarded shall be paid or secured, to be paid to the said Bustleton and Smithfield turnpike road company, before the com-

Penalty for neglect to pay instalments.

Authority to enter upon lands to construct road.

Of damages and mode of assessment.

Proviso.

2d Proviso.

Compensat'n to Bustleton & Smithfield road, how made.

pany hereby created shall be permitted to collect any tolls on said road.

SECTION 10. The said president and managers shall keep fair and just accounts, as well of all moneys received by them as of those paid out and expended in the prosecution of the work, and shall at least once in every year submit their books and accounts to a general meeting of the stockholders, and whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such an extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in like manner and under like penalties as are provided by this act, in the case of the original subscriptions.

President and managers to keep accounts

Number of shares may be increased.

SECTION 11. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said route, whenever the same shall be found necessary, and shall cause a road to be laid out not exceeding fifty feet in width, and shall cause at least eighteen feet of said width to be made an artificial road of wood, stone, gravel or other proper and convenient materials, such as the nature of the ground may require, and will afford to be constructed in such manner as will admit an even surface, and so nearly level in its progress that it shall in no place raise or fall more than will form an angle of five and a half degrees from a horizontal line : *Provided*, That if in the opinion of the said president and managers, any part of the ground on the route of said road shall be so hard and compact as to make a good road without any covering of wood, gravel, stone, slate or other hard substance, the said president and managers are hereby authorized to construct such part of said road without any such covering, and shall forever thereafter maintain and keep the same in good order and repair.

To erect bridges.

Width of road and materials of which constructed.

Proviso.

SECTION 12. Whenever the said company shall have finished two miles or more of road, the president thereof may give notice to the Governor, who shall thereupon forthwith appoint three skilful, judicious and disinterested persons to view and examine the same, and report on oath or affirmation to him, whether the said road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act, and if this report shall be in the affirmative, then the Governor shall by license, under his hand and the seal of the state, permit and suffer said company to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect from

Governor to give appoint view-ers.

To license company.

all persons otherwise than on foot the same tolls as are hereinafter authorized and granted.

Toll-gatherers SECTION 13. When the said company is licensed in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from all and every persons and persons using the said road the toll and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, hogs, sheep, coach, coaches, sulkey, chair, chaise, phaeton, cart, wagon, train, sleigh, sled, or any other carriage of burden or pleasure from passing through the said turnpikes, until they shall respectively have paid the same: that is to say, for every five miles in length of the said road completed and licensed as aforesaid, the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs or cattle, to wit:

Tolls. For every score of hogs, six cents; for every score of sheep, six cents: for every score of cattle, twelve cents; for every horse and his rider, or led horse, five cents; for every sulkey, chair or chaise, with one horse and two wheels, eight cents, and with two horses, ten cents; for every chariot, coach, phaeton or dearborn, with one horse and four wheels, ten cents; for every coach, chariot, phaeton or chaise, with two horses and four wheels, fifteen cents; for either of the carriages last mentioned with four horses, twenty-five cents; for every other carriage of pleasure, under whatever name it may go, the like sums according to the number of wheels and horses drawing the same; for every stage wagon, with two horses, twelve cents, and for every such wagon with four horses, twenty cents; for every sleigh, four cents for each horse drawing the same, and for every sled, three cents for each horse drawing the same; for every cart or wagon, whose wheels shall not exceed four inches, six and a quarter cents for each horse drawing the same, and for every cart or wagon whose wheels shall be four inches and not exceed seven inches, four cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches, three cents for every horse drawing the same. And if any person or persons shall represent to the said company, or any of their officers, that he, she or they have travelled a less distance than he, she or they have actually travelled along said road, with intent to defraud said company of its toll or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of said company the sum of five dollars, and if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded shall have travelled along said turnpike road, or shall demand and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and re-

Penalty for evading payment.

ceive, by virtue of this act, such toll-gatherer shall forfeit and pay the sum of five dollars for every such offence to the supervisors of the township, in which the forfeiture is incurred, to be expended in repairing township roads, and for the payment of which the said company shall be responsible.

SECTION 14. If the said company shall neglect to keep the said road in good travelling order and repair for the space of thirty days, and information thereof shall be given to any justice of the peace of the neighborhood within the county where the repairs ought to be made, such justice shall issue a precept to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time, in said precept to be mentioned at the place in said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto within the said county, and the said justice shall at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road or any part thereof is in such good travelling order and repair, as aforesaid, and shall cause an inquisition to be made under the hands of himself and a majority of the said persons, and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpike or gates shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good travelling order and repair, as aforesaid, and if the same shall not be so put in good travelling order and repair before the next general court of Quarter Sessions of the peace, to be held for the county in which the defect is proved to be, the aforesaid justice shall certify and send a copy of the inquisition aforesaid to the judges of the said court, and the said judges shall thereupon cause process to issue and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon as in cases of supervisors of highways for neglect of their duty, and if the person or persons entrusted by the said company, as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties, and the fines and penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the

Of neglect to keep road in repair.

Mode of proceeding.

highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

Penalty for attempting to avoid paym't of toll.

SECTION 15. If any person or persons whosoever owning, riding in, or driving any sulkey, chair or chaise, phaeton, cart, wagon, sleigh, sled, or other carriage of burden or pleasure, riding or leading any horse, mule, mare or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gates or bars, or along or over any gates or private bars, or along or over any private passage way or other ground near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall with such intent take off or cause to be taken off any horse, mare or gelding or other cattle from any sulkey, chair, chaise, phaeton, cart, wagon, sleigh, sled, or other carriage of burden or pleasure, or practice any other fraudulent means or device with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons in all, or every, or any of the ways or manners offending, shall for every such offence respectively forfeit and pay to the president and managers of the Bustleton and Summerton turnpike road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit before any justice of the peace, in like manner and subject to the same rules and regulations as debts of a similar amount are by law sued for and recovered.

Time of commencement and completion.

SECTION 16. If the said company shall not proceed to carry on the said work within three years after the passage of this act, or shall not within six years afterwards complete the same, according to the true intent and meaning of this act, then or in either of those cases, all and singular, the rights, liberties, privileges and franchises hereby granted shall revert to the commonwealth.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 112.]

A N A C T

To incorporate the Members of the Methodist Episcopal Church of the city of Pittsburg, Wesley Chapel station.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same;* That the members of the Methodist Episcopal Church of the city of Pittsburg, Wesley Chapel station, be Church established. and they are hereby enacted into a body corporate and politic, in deed and in law, by the name, style and title, of the "Methodist Episcopal Church of the city of Pittsburg, Wesley Chapel station," and by the same name, shall have perpetual succession, and be able to sue, and be sued, implead and be impleaded, in all courts of law and elsewhere, and shall be able and capable in law and equity, to take, hold and enjoy, for the use of the said church, such lands and tenements, goods and chattels, as now are, or shall hereafter become the property of the said congregation, or be held for their use by gift, grant, devise, bequest or otherwise, from any person or persons whomsoever, capable of making the same, and the same to grant, bargain, sell or otherwise dispose of, for the use of the said congregation; *Provided, however,* That the yearly value or income of the said estate, shall not any time exceed the sum of two thousand dollars, nor be appropriated to any other than benevolent or religious purposes. Name. Liberties and privileges.

SECTION 2. The trustees of the said church, for the time being, and their successors in office, according to the form of discipline by which said church is governed, shall have the care and management of all the property, real and personal, belonging to said corporation, shall be members thereof, and shall be accountable thereto, for their official conduct, and shall in all respects conform to its instructions; *Provided,* The same are not inconsistent with the constitution or laws of the United States, or of this commonwealth, or with the form of discipline by which the said corporation is governed as a church. Trustees power.

SECTION 3. Every male member in full communion in the said church, of the age of twenty-one years and upwards, being a citizen of Pennsylvania, and having resided in the Of male members.

Votes.

city of Pittsburg or its vicinity, for the space of six months, shall be considered a member of the said corporation, and be as such entitled to the privilege of speaking and voting at its meetings.

Seal.

By-laws.

Proviso.

SECTION 4. The said corporation shall have full power to make and use one common seal, with such device or inscription thereon, as they may deem proper, and the same at pleasure to break, alter or renew, and also to enact and enforce such by-laws and ordinances from time to time, as they may judge expedient for the prosperity and good government of the said corporation; *Provided*, The same shall not be inconsistent with the constitution and laws of the United States or of this commonwealth, or with the form of discipline by which said church is governed.

WM. HOPKINS,

Speaker of the House of Representatives,

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty,

DAVID R. PORTER.

[No. 143.]

A FURTHER SUPPLEMENT

To the act, entitled an act to enable the Governor to appoint Notaries Public, and for other purposes therein mentioned.

Parts of former act repealed.

Term of office

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:* That so much of the act to which this is a further supplement as provides that notaries public shall hold their commissions during good behaviour, be and the same is hereby repealed, and notaries public hereafter appointed shall hold their respective commissions for the term of three years, if they shall so long behave themselves well, and no longer. Every notary now in office who has held his commission less than three years, shall continue in office until

the expiration of three years from the date of his commission. Every notary who has held his commission three years or more shall continue in office until the expiration of two years from the passage of this act; unless he shall sooner be removed by the Governor or other lawful authority, or his commission shall be sooner superceded by the appointment of another person in his place; and from and after such removal or appointment the commission of the notary so removed or superceded shall be null and void. No person being a stockholder, director, cashier, teller, clerk or other officer in any bank or banking institution or in the employment thereof, or holding or exercising any judicial office in this commonwealth, or any office or appointment of trust or profit under the constitution or laws of the United States, shall at the same time hold, exercise or enjoy the office of notary public; and no person shall be appointed to said office in any city or county, who shall not have resided therein one year immediately preceeding his appointment.

Notaries offices graduated

Governor may remove, &c.

Who are prohibited from being notaries

SECTION 2. Every notary who may be removed from office, or whose commission shall be superceded by the appointment of another person in his place, shall within ten days thereafter, deposite his register and the public papers in his possession, in the office of recorder of deeds of the county in which he resides, and the recorder of deeds, in whose office the same may be lodged or deposited, shall give certified copies of such public papers or register or any part thereof, to any person who may demand the same, upon the payment of the fees now established by law for the like services; and such copies duly certified under the seal of office of such recorder of deeds shall be evidence in all cases in which such public papers and register would be received in evidence and with like force and effect. If any notary who shall be removed by the Governor or other lawful authority, or whose commission shall be superceded by the appointment of another person in his place, as herein provided, shall neglect or refuse to deposite his register and other public papers in his possession in the recorder's office of the proper county, within the time above mentioned, he shall forfeit and pay the sum of one hundred dollars, and the further sum of one hundred dollars for every ten days that he shall thereafter so neglect or refuse, to be recovered as debts of the same amount are recoverable, for the use of the person who may sue for the same; and shall moreover be liable in damages to every person who may suffer from such neglect or refusal; and such recorder of deeds may bring and maintain actions for such register and papers in the same manner as is provided in case of the death, resignation, disqualification, or removal of a notary.

Notaries removed or superceded to deliver register and papers to recorder.

Duties of recorder.

Penalty for neglecting or refusing to deliver register and papers to recorder.

Recorder may bring action.

SECTION 3. Hereafter every notary shall be subject to all the provisions of the act of assembly, passed the tenth day of

Notaries sub- March, one thousand eight hundred and ten, entitled an act
 ject to provi- taxing certain officers, and the supplement thereto, passed the
 sion of former twenty-fourth day of March, one thousand eight hundred and
 act. eighteen; and shall give bond with two sufficient sureties, to
 Bond. be approved by the Governor in such amount as may be de-
 termined by him, conditioned for the faithful payment to the
 State Treasurer of all taxes and moneys which he shall become
 liable to pay to the commonwealth under the above recited
 acts; and for the delivery of his register and all other public
 papers into the office of the recorder of deeds of the proper
 county, in case of his death, resignation, disqualification, or
 removal, or of his commission being superceded by [the ap-
 pointment of another person in his place, as required by law,
 which bond and also his commission and oath of office shall
 Bond record- be recorded, as other bonds required to be given by notaries,
 ed. are directed to be recorded. The commission of every nota-
 ry now in office, who shall, for the space of sixty days from
 the passage of this act, neglect to give bond and cause the same
 Neglect to and his commission and oath to be recorded, shall be null and
 give bond in void; and the commission of any notary hereafter appointed,
 60 days voids who shall for the space of thirty days after his appointment,
 commission. neglect to give bond and cause the same and his commission
 and oath to be recorded, as above directed shall also be null
 and void.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight
 hundred and forty.

DAVID R. PORTER.

[No. 144.]

A N A C T

Regulating Election Districts and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Re-*
presentatives of the Commonwealth of Pennsylvania in Gen-
eral Assembly met, and it is hereby enacted by the authority
of the same: That from and after the passage of this act,
 Salisberry t'p. Salisberry township, in the county of Lehigh, shall be erected
 Lehigh co., into a separate election district, and the electors thereof shall
 made a sepa- rate election district.

hold their general and special elections at the house now occupied by John Yost, in said township.

SECTION 2. That the electors of Derry and part of Hanover townships, comprising the Derry election district, in the county of Dauphin, shall hereafter hold their general election at the house of Daniel Baum, in Hummelstown, Derry township. Derry election district, Dauphin co.

SECTION 3. That the township of Edgemont, in the county of Delaware, be and the same is hereby erected into a separate election district, and that the electors thereof shall hold their elections at the house now occupied by Hiram Green, sign of the President, in the said township. Edgemont, Delaware co., separate election district.

SECTION 4. That the special and general elections, of the township of Allegheny, in the county of Somerset, shall hereafter be held at the house of James Philson, in said township and county. Allegheny tp., Somerset co.

SECTION 5. That the township of Hazle, in the county of Luzerne, be and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the house now occupied by Lewis Davenport, in said township. Hazle town'p, Luzerne co.

SECTION 6. That the township of Butler, in the county of Luzerne, be and the same is hereby erected into a separate election district, and the electors thereof shall hold their general elections at the Union school house, in said county. Butler town'p, Luzerne co.

SECTION 7. That the general elections in the township of Bullskin, in the county of Fayette, shall hereafter be held at the school house number three, in said township. Bullskin tp., Fayette co.

SECTION 8. That the general elections in the township of French Creek, in the county of Mercer, shall hereafter be held at the house of Jacob Corban, in said township and county. French creek township, Mercer co.

SECTION 9. That the township of Washington, in the county of Berks, be and the same is hereby erected into a separate election district, and that the electors thereof shall hold their general elections at the public house of Joseph Baughman, in said township and county. Washington tp., Berks co.

SECTION 10. That the township of Houston, in the county of Centre, be and the same is hereby erected into a separate election district, and that the electors thereof shall hold their general elections at the house of Ebenezer McIllwaine, in said township and county. Houston tp., Centre co.

SECTION 11. That the special and general elections in the township of Wayne, in the county of Erie, shall hereafter be held at the school house number five, in said township and county. Wayne tp., Erie co.

SECTION 12. That the general elections in the township of Norwick, in the county of McKean, shall hereafter be held at the house of Rowland Burdick, in said township and county. Norwick tp., McKean co.

SECTION 13. That the township of Pennsbury, in the county

Pennsbury tp. of Chester, be and the same is hereby erected into a separate
Chester co. election district, and that the electors thereof shall hold their
general elections at the public house of Joseph Lancaster, now
stiled Pennsbury's Inn, in said township and county.

Williams tp., SECTION 14. That the general elections, in the township of
Northampton Williams, in the county of Northampton, shall hereafter be
co. held at the house of John Stocker, in said township and county.

Warren tp., SECTION 15. That the general elections in the township of
Bradford co. Warren, in the county of Bradford, shall hereafter be held at
the house of Robert Cooper, in said township and county.

Towanda tp., SECTION 16. That the general elections in the township of
Bradford co. Towanda, in the county of Bradford, shall hereafter be held at
the house of Nelson Gilbert, in the said township and county.

Wells town'p, SECTION 17. That the general elections in the township of
Bradford co. Wells, in the county of Bradford, shall hereafter be held at the
house of Edward A. Ayres, in said township and county.

Fox township SECTION 18. That the township of Fox, in the county of
Lycoming co. Lycoming, be and the same is hereby erected into a separate
election district, and that the electors thereof shall hold their
general elections at the house now occupied by Joseph Moli-
gneuse, in said township and county.

Newlin tp., SECTION 19. That the township of Newlin, in the county of
Chester co. Chester, be and the same is hereby erected into a separate
election district, and that the electors thereof shall hold their
general elections at the Brandywine school house, in said town-
ship and county.

Charlestown SECTION 20. That the general elections, in the township of
township, Charlestown, in the county of Chester, shall hereafter be held
Chester co. at the public school house, near Major Littles, in said township
and county.

Union town'p SECTION 21. That the general elections in the township of
Union co. Union, in the county of Union, shall hereafter be held at the
house of John Olt, in said township and county.

Granville tp., SECTION 22. That the general elections in the township of
Mifflin co. Granville, in the county of Mifflin, shall hereafter be held at
the public house of William Brothers, in the borough of Lewis-
town, in said township and county.

Lower Wind- SECTION 23. That the township of Lower Windsor, in the
sor, York co. county of York, be and the same is hereby erected into a sepa-
rate election district, and that the electors thereof shall hold
their general elections at the house of George Overdorff, in the
said township and county.

Houston tp., SECTION 24. That from and after the passage of this act the
Clearfield co. freemen of the township of Houston, in the county of Clear-
field, shall hold their general election at the house now occupied
by Jesse Wilson, in said township.

East Marlbo- SECTION 25. That the township of East Marlborough, in the
rough, Ches- county of Chester, be and the same is hereby erected into a
ter county. separate election district, and that the electors thereof shall

hold their general elections at the Union Hotel, in Unionville, in said township and county.

SECTION 26. That the general elections in the township of Upper Woodbury, in the county of Huntingdon, shall hereafter be held at the public school house on the premises of Samuel Rhoads, in said township and county.

SECTION 27. That the general elections in the township of Benton, in Luzerne county, shall hereafter be held at the house of Rowland Richards, in said township and county.

SECTION 28. That the township of Easttown, in the county of Chester, shall be a separate election district, and shall hold their general elections at the public house now occupied by Philip Kirk, sign of the Leopard, in said township and county.

SECTION 29. That the qualified voters of all that part of Antes township, in Huntingdon county, who have heretofore voted at the house of C. Buck, in Warriorsmark township, shall be and they are hereby attached to the Antes township election district, and shall hereafter vote in said district, at the house now occupied by John Bell.

SECTION 30. That the qualified voters of all that part of Tyrone township, in Huntingdon county, who have heretofore voted at the house of C. Buck, in Warriorsmark township, shall be and are hereby attached to the Tyrone township election district, and shall hereafter vote in said district, at the house now occupied by James Crawford.

SECTION 31. That the general elections in the township of the unincorporated Northern Liberties, in the county of Philadelphia, shall hereafter be held at the Harrowgate Hotel, in said township and county.

SECTION 32. That the general elections in the township of Asylum, in Bradford county, shall hereafter be held at the Terrytown school house, in said township and county.

SECTION 33. The electors in the township of Dingman, in the county of Pike, shall hereafter hold their general and special elections at the school house known as the Pintler school house, in said township.

SECTION 34. The qualified voters of North Strabane township, Washington county, shall hereafter hold their general elections at Isaiah E. Beck's mill, in said township.

SECTION 35. The qualified voters of Cross Creek township, Washington county, shall hereafter hold their general elections at the house of Cornelius Simmons, in Cross Creek village.

SECTION 36. That hereafter the electors of the township of Washington, in the county of Fayette, shall hold their general and special elections at the Town Hall school house of Cooks town, in said township.

SECTION 37. The township of Franklin, in the county of Fayette, shall hereafter hold their general election at the house formerly occupied by Adam Gililand, in said township.

Upper Tulpe- SECTION 38. That the electors of Upper Tulpenhocken township, in the county of Berks, shall hereafter hold their general election at the house of Christian Baumbauer, in said township.
hocken tp.
Berks co.

Alsace tp.
Berks co. SECTION 39. That the township of Alsace, in the county of Berks, shall hereafter form a separate election district, and hold their general election at the house of Jacob Bernhart, in said township.

Penn town'p,
Lycoming co. SECTION 40. The township of Penn, in the county of Lycoming, shall be erected into a separate election district, and shall hold their general election at the house of David Philips.

Washington
town'p, Cam- SECTION 41. That the electors of the township of Washing-
bria co. ton, as now formed in the county of Cambria, shall hold their general elections at the place now prescribed by law.

Bingham tp.
Potter co. SECTION 42. The qualified voters of the township of Bingham, in the county of Potter, shall hereafter hold their general elections at the house now occupied by Amos Lewis.

Fairmount tp.
Luzerne co. SECTION 43. The qualified voters of the township of Fairmount, county of Luzerne, shall hereafter hold their general elections at the house of Joseph Long, in said township.

Kenzua tp.
Warren co. SECTION 44. That hereafter the qualified voters of the township of Kenzua, in the county of Warren, shall hold their elections at the public school house, near the dwellings of William Morrison, and Samuel Morrison, in said township.

Montgomery
tp., Indiana
county. SECTION 45. That the qualified voters of the township of Montgomery, in the county of Indiana, shall hereafter hold their general election at the house now occupied by David Gorman, in said township.

Jackson tp.
Greene co.. SECTION 46. That the general election of the township of Jackson, in the county of Greene, shall be held hereafter at the house now occupied by Titus Long, in said township.

Decatur tp.
Clearfield co. SECTION 47. That the electors of the township of Decatur, in the county of Clearfield, shall hold their general elections at the house now occupied by William Kephart.

Bern town'p,
Berks co. SECTION 48. That from and after the passage of this act, the electors of the township of Bern, in the county of Berks, who heretofore voted in the Borough of Reading, shall, after the passage of this act, be erected into a separate election district, and hold their elections at the house of Jacob Ebbling, in the Borough of Reading.

Peebles tp.
Allegheny co. SECTION 49. The qualified voters of the township of Peebles, in the county of Allegheny, shall hereafter hold their general elections at the house of John Bentler, in the village of East Liberty.

Madison tp.
Armstrong co. SECTION 50. The electors of the township of Madison, in the county of Armstrong, shall hereafter hold their general election at the house of Peter Bish, in said township.

Newtown tp.
Bucks co. SECTION 51. That from and after the passage of this act, the electors of the township of Newtown, in the county of Bucks, who heretofore voted in the borough of Newtown, shall

be erected into a separate election district, and hold their election at the house of Samuel Wilson, in said township, and that the qualified voters of the said township shall meet at the house of Samuel Wilson, on Friday the second day of October next, and elect two inspectors and one judge of elections, agreeably to the act entitled an act relating to the elections of this commonwealth, passed July second, Anno Domini, one thousand eight hundred and thirty-nine. Inspectors & judge.

SECTION 52. That that part of New Sewickley township, in the county of Beaver, contained within the following boundaries to wit: beginning on Big Beaver, at the lower line of the borough of New Brighton, thence running with said line in an easterly direction, so far as to include that part of Mitchells tract of land not included in said borough, thence to James Black's, thence to James Porter's, thence to Daniel Cable's, thence to David Trindell's, thence to Jonathan Kelley's, including the several tracts of land on which said persons reside, thence to intersect the western line of the borough of Freedom, thence by said line to the Ohio river, thence down said river to the mouth of Big Beaver, and thence up Big Beaver to the place of beginning, be and the same is hereby erected into a new township, to be called Rochester, and that their general and township elections, shall, in future, be held in the school house in the village of Rochester, with all the powers and privileges usually exercised and enjoyed by other townships in this commonwealth. N. Sewickley
Beaver co.
Boundaries of
Rochester tp.

SECTION 53. The electors of the township of Rochester aforesaid, shall meet on the fourth Friday (the twenty-second) of May, one thousand eight hundred and forty, at the school house in the village aforesaid, between ten o'clock, A. M. and six o'clock, P. M. for the purpose of electing the several officers which are usual in other townships, together with six school directors, who shall meet within ten days thereafter and classify themselves into three classes, the first class to serve until the third Friday in March, one thousand eight hundred and forty-one, the second class until the third Friday in March one thousand eight hundred and forty-two, and the third class until the third Friday in March, one thousand eight hundred and forty-three, at which several periods their successors shall be elected; the said first as well as all subsequent elections to be held and conducted, in all respects, agreeably to the provisions of the act approved the second day of July, one thousand eight hundred and thirty-nine, regulating the general elections of this commonwealth, excepting only that the first election shall be held on the fourth Friday (the twenty-second) of May, one thousand eight hundred and forty, instead of the third Friday in March, and the school directors elected as aforesaid, shall have and possess the same powers to levy and collect a school tax agreeably to the provisions of the several acts of the Gen- Rochester tp.
Beaver co.
Township officers & school directors.
School tax.

eral Assembly of this Commonwealth, establishing a general system of education by common schools, as effectually to all intents and purposes, as if they had been elected on the third Friday of March instead of the fourth Friday of May, one thousand eight hundred and forty.

Error in former law for "P. Rickert," read "Henry Rickert."

SECTION 54. That in consequence of an unintentional error in the petitioners, the name of Peter Rickert, in the nineteenth section of the act entitled "an act regulating election districts and for other purposes," approved the second day of July, one thousand eight hundred and thirty-nine, shall be understood to have meant Henry Rickert, and be so construed, and that the lines run conformably to the construction here given, are hereby confirmed; and it shall be the duty of the supervisors named in the aforesaid section, to file the survey or plot of said lines run, in the office of the clerk of the Court of Quarter Sessions of the county of Dauphin.

N. Sewickley tp., Beaver co. form 4 election districts, viz:

Bird's district.

Clark's dis.

Miller's dis.

Hartzel's dis.

Nor. Sewickley tp.

Inspectors & Judge.

To procure 4 boxes, one for each district.

SECTION 55. That from and after the passage of this act, the township of North Sewickley, in the county of Beaver, shall form four election districts, as follows, to wit: that part of said township lying north of Slippery Rock and Conoquenessing creeks, east of Big Beaver creek, and south of the Shenango and Slippery Rock township lines, to form one district to be called Birds' district, to elect at the house of John Bird. That part of said township which lies east of Slippery Rock creek, south of Slippery Rock township, west of the Butler county line and north of Conoquenessing creek, to form an election district, to be called Clarks' district, to elect at the house of Mark R. Clark. That part of said township which lies east of Big Beaver and south of Conoquenessing creeks, west of Brush creek, and north of New Sewickley township line, to form a district to be called Millers district, and elect at the house now occupied by John Miller, on the farm of B. Chew. That part of said township which lies south of Conoquenessing creek, east of Brush creek, north of the New Sewickley township line and west of the Butler county line, to form a separate district to be called Hartzels' district, to elect at the house of George Hartzels, jr.

SECTION 56. The qualified electors of North Sewickley township, shall meet at the house of Conrad Fisher, jr. on the Friday preceding the second Tuesday in October, one thousand eight hundred and forty, when and where they shall elect, by ballot, two inspectors and one judge for each of the foregoing districts; the said election to be held and conducted by the inspectors and judge who may have been elected on the third Friday of March next preceding, agreeably to the provisions of the act relating to the elections of this commonwealth, approved the second day of July, Anno Domini, one thousand eight hundred and thirty-nine; and the said inspectors and judge shall procure four boxes labelled to correspond with the foregoing districts, in which shall be deposited the tickets received from the voters of each district.

in its own proper box, and after closing the polls returns shall be made agreeably to the provisions of the above recited act, and the officers of the said inspectors and judge, holding the aforesaid election, shall immediately thenceforth cease; and the annual election to be held on the third Friday in March, one thousand eight hundred and forty one, shall be conducted by the inspectors and judge elected for Birds district, and in one thousand eight hundred and forty-two by the inspectors and judge for Clark's district, and in one thousand eight hundred and forty-three by the inspectors and judge for Millers district, and in one thousand eight hundred forty-four by the inspectors and judge for Hartzels district, and so on, changing alternatively: *Provided*, that so far as the election of township officers, school directors, &c. are concerned, the said election shall be conducted as heretofore.

Returns, how made.
Annual election, how held
Bird's district.
Clark's dist.
Miller's dist.
Hartzel's dist.
Proviso.

SECTION 57. That the township of Penn, in the county of Lycoming, be and the same is hereby erected into a separate election district, and the electors thereof shall hold their general election at the house now occupied by David Philips, in said township and county.

Penn town'p,
Lycoming co.
separate election dist.

SECTION 58. The township of Snowshoe, in the county of Centre, is hereby erected into a separate election district, and the electors thereof shall hold their general and special election at the house of John Flack, in said township.

Snowshoe tp.
Centre co

SECTION 59. That so much of West township, in the county of Huntingdon, as is now included in the following boundaries, to wit: beginning at or near an old lime kiln at the West end of Jacksons' Narrows, thence eastwardly to intersect the north line of the farm now occupied and owned by Tobias Kaufman, thence northeast to intersect the south line of the farm now of Michael Maguire, thence west to Tussey's Mountain, to intersect the line of Franklin township, thence along the said township line to the little Juniata river, thence down the said river to the lime kiln and place of beginning, shall be and the same is hereby annexed to Porter township, in said county of Huntingdon, for all township and general election purposes as fully and effectually as if the same had been originally included therein.

West town'p,
Huntingdon
co. annexed
to Porter tp.
and general
election.

SECTION 60. That all that part of Coal township, in the county of Northumberland, lying south of the Mahanoy Mountain, be and the same is hereby erected into a separate school district, and shall be subject to all the laws now in force in relation to the common schools in this commonwealth.

Coal town'p,
North'land
county.

SECTION 61. That the general and township elections, in the township of Waterford, in the county of Erie, shall after the passage of this act be held at the house of Col. P. E. Judson, in the borough of Waterford, in said county.

Waterford tp.
Erie co.

SECTION 62. The electors of the township of French Creek, in the county of Venango, shall hereafter hold their general election at the house of _____, in said township.

French creek
Venango
co.

elections at the school house near Raymond's mills, in the village of Utica, in said township.

Southampton
tp., Franklin
co., & Butler
tp., Luzerne
co., repeal part
of former act
relating there-
to.

Said town'ps
to elect 2 su-
pervisors each

SECTION 63. That so much of the eighty-first section of the act of the fifteenth day of April, one thousand eight hundred and thirty-four, relating to counties and townships and county and township officers, as requires the election of three supervisors for the township of Southampton and county of Franklin, and the township of Butler, in the county of Luzerne, is hereby repealed; and it shall be the duty of the electors of said townships of Southampton and Butler, in the aforesaid counties each, to annually elect two supervisors who shall serve for one year, and shall perform the duties of supervisors and be subject to the responsibilities provided for by the act aforesaid.

Office of
township trea-
surer, Butler
tp., Luzerne
co., abolished
and duties to
be performed
by supervi-
sors.

SECTION 64. That so much of the eighty-first section of the act of the fifteenth day of April, one thousand eight hundred and thirty-four, relating to counties and townships and county and township officers, as requires the election of a township treasurer is hereby repealed, so far as respects the township of Butler, in the county of Luzerne, and henceforth the duties of township treasurer in and for said township, shall be performed by the supervisors of said township, who shall give bonds with sureties to the satisfaction of the auditors of said township, conditioned for the faithful application of all moneys that may come into their hands, and for the payment to their successors in office any balance of money belonging to the said township that may remain in their hands undisposed of.

Hartley tp.
Union co.

SECTION 65. That the ninety-ninth section of the act approved the second day of July, one thousand eight hundred and thirty-nine, entitled an act regulating election districts, and for other purposes, erecting a part of Hartley township, in Union county, into a separate school district, be and the same is hereby repealed.

East Bradford
Chester co.

SECTION 66. That the township of East Bradford, in the county of Chester, be and the same is hereby erected into a separate election district, and that the electors thereof shall hold their elections at the Black Horse tavern, in said township and county.

Division line
between In-
diana & Cam-
bria counties
confirmed.

SECTION 67. That the division line between the counties of Indiana and Cambria, as run and marked by Henry J. M'Guire, in the month of July, one thousand eight hundred and thirty-nine, a draft of which division line so run is filed in the commissioners office of said counties, which division line bears south twenty degrees and twenty-five minutes, west twenty-four miles and forty perches from the cherry tree or canoe place to the Conemaugh river, shall be established and fully confirmed by this act as the division line between the said counties.

SECTION 68. That the qualified electors of the county of Clinton, shall at the next general election, at the time and place of electing representatives, and whenever it becomes necessary

for an election under the provisions of the act of the 2d July, 1839, entitled "An act to provide for the election of prothonotaries, clerks, recorders and registers," elect one person to fill the offices of prothonotary, clerk of the courts of oyer and terminer, general quarter sessions and orphans' court, register of wills and recorder of deeds for said county. Clinton co. to elect Prothonotaries, &c.

SECTION 69. That the several wards in the township of Germantown, in the county of Philadelphia, shall hereafter be entitled to and elect, separately, their respective township or ward officers. Germantown, Phila. county

SECTION 70. That the qualified voters of all that part of Manheim township, Schuylkill county, lying north of the summit of the second mountain, and east of the river Schuylkill, shall hereafter vote at all the general elections with the qualified voters who now hold their election at the public house formerly kept by Henry Stager, in the borough of Pottsville, county aforesaid. Manheim tp., Schuylkill co.

SECTION 71. That Porter township, in Jefferson county, is hereby erected into a separate election district, and the electors thereof shall hereafter hold their special and general elections at the house now occupied by Henry Freese, in said township. Porter town'sp Jefferson co.

SECTION 72. That the borough of Waterford, in the county of Erie, shall hereafter be a separate election district, and that the citizens thereof entitled to vote for members of Assembly, shall on the second Monday in May next, and on the third Friday of March annually thereafter, meet at the stone house now occupied by J. L. Cook, in said borough, and then and there elect assessors, a judge and two inspectors of elections, who shall have the same powers, perform the same duties, and be subject to the same penalties as like officers have and are subject to, under the general laws of this commonwealth, the returns of said elections to be made agreeably to the provisions of existing laws. That for the purpose of organizing the election hereby authorized to be held on the second Monday of May next, the qualified voters present at the place of election, at ten o'clock in the forenoon of said day, shall choose one judge, two inspectors and two clerks to hold said election. Waterford borough, Erie county. Annual election.

SECTION 73. That the citizens of said borough, qualified to vote as aforesaid, shall on the third Friday of March next, and annually thereafter, hold an election for borough officers authorized to be elected by the act incorporating said borough at the place aforesaid, and that the judge, inspectors and clerks for the time being shall hold all general and special elections for said borough. Election or ganized. Borough officers.

SECTION 74. That all assessments of taxes heretofore made in the said borough of Waterford, shall be and the same is hereby declared to be as good and valid as if the same had been legally assessed. Taxes.

SECTION 75. That the citizens of Cumru township, Berks

Cumru tp., county, that have heretofore voted at the general elections at Berks county. the court house of the said county, vote and hold their said general elections hereafter at the public house now occupied by Michael H. Nunnemacher, in the borough of Reading, in the said county.

Exeter tp.
Berks co.

Citizens to decide where elections shall be held.

SECTION 76. The qualified electors of the township of Exeter, in the county of Berks, at their next general election shall determine, by ballot, whether their future elections shall be held at the house of the late Samuel Boyer, in said township, or at the house now occupied by John Mellon, in the borough of Reading, or any other place where the majority shall determine; and for the purpose of determining the same each qualified voter may put in a ballot, on the outside of which shall be written the words "election district," and on the inside the words "house of Samuel Boyer," or the words "borough of Reading," and the judge and inspectors of said election shall count up the number of votes, and if a majority of said votes shall be in favor of the house of Samuel Boyer, then the annual elections in said township shall be held at the place now provided by law, and if a majority of said votes shall be in favor of the borough of Reading, then the general elections of said township shall be held at the house now occupied by John Mellon, in the borough of Reading, until otherwise provided by law.

Part of former act suspended so far as relates to first school district

SECTION 77. That so much of the thirty-fifth and thirty-sixth sections of an act passed the 7th day of March, 1840, entitled an act relative to the election of borough and township officers, and for other purposes, be and the same are hereby suspended until the first Monday in April, eighteen hundred and forty-one, so far as the same relate to the election of controllers of the public schools of the first school district of Pennsylvania, and the board of controllers of the said school district who may have been elected and organized under the provisions of the laws in force, previously to the passage of the said act, shall be and are hereby declared to be the controllers of the public schools of the said district, until the first Monday in April, eighteen hundred and forty-one, and until their successors shall be elected and organized under the said act, and any of the said controllers, thus continued, shall be *ex officio* a director of the public schools for the section for which he may have been chosen a controller during the said term; and the directors of the public schools of said district, who may now be in office under elections which may have been held in certain school sections of the county of Philadelphia, or parts of such sections, on the third Friday of March, eighteen hundred and forty, and the directors who may have been appointed by the Court of Quarter Sessions of the county of Philadelphia, for the sections or parts of sections, in which no such elections have taken place shall form the Boards of school directors for

Boards of school directors how formed for sections.

Until chosen.

such sections until directors of the public schools shall be chosen for said sections, at the ward and township elections, to be held on the third Friday in March, eighteen hundred and forty-one, and duly organized; and from and after the said third Friday in March, eighteen hundred and forty-one, the Board of Controllers for the said first school district of Pennsylvania, shall be elected and organized according to the provisions of the said thirty-fifth and thirty-sixth sections of the said act of March seventh, eighteen hundred and forty.

SECTION 78. The qualified voters of the township of Cool-Coolbaugh, in the county of Monroe, will hereafter hold their town's, Mon-general and special elections at the house now occupied by roe county. Jesper Vliet.

SECTION 79. The general elections for the district composed of Menallen township, in the county of Adams, shall hereafter be held at the house now owned and occupied by Charles Myers, in the borough of Bindersville, in said township.

SECTION 80. That the voters of Derry township, in the county of Westmoreland, be and they are hereby authorized to hold their township elections at the same place where they now, by law, hold their general elections; that the judges and clerks of both districts be allowed to meet the next day at the house of Jacob Alter, in said township, for the purpose of counting the votes of both districts, and make out the proper returns of the same.

SECTION 81. That hereafter the appointment of members of the Board of Health, by the select and common councils of the city of Philadelphia, shall be made at the stated meetings of councils next preceding the second Monday in March annually, and in case the appointments should not take place at said stated meeting, they may be made as heretofore; and the election of guardians of the poor, by the select and common councils of the city of Philadelphia, shall take place hereafter at the stated meeting of councils next preceeding the third Monday of May.

SECTION 82. The electors of the borough of Morrisville, in the county of Bucks, shall hereafter hold their general elections at the public house in said borough, now or lately occupied by John Nelson.

SECTION 83. So much of the township of Rockhill, which lies northeast of the Bethlehem road and adjoining the township of Bedminster, be and the same is hereby annexed to the election district of East Rockhill.

SECTION 84. That the general and township elections in the township of Buck, in the county of Luzerne, shall hereafter be held at the school house in Stoddardsville, in said county.

SECTION 85. The township of Ferguson, in the county of Clearfield, is hereby erected into a separate election district, and the elections shall be held at the house now in the occupancy

of Thomas Davis, in said township, the next annual election shall be held and conducted by the inspectors and judge elected for said township on the third Friday of February last.

Jefferson tp.,
Fayette co. SECTION 86. The township of Jefferson, in the county of Fayette, shall be a separate election district, and the electors thereof shall hold their general and special elections at the house now occupied by John H. Tarr, and the inspectors and judge of the next annual election shall be chosen by the electors of said township, at the hour of eight o'clock in the forenoon on the second Tuesday of October next.

Providence
town'p, Bed-
ford county,
divided into
two election
districts. SECTION 87. That the township of Providence, in the county of Bedford, is hereby divided into two election districts, by a straight line from the township line on the top of French's Knob, past the house of John Shaffer, to the south line of said township; and the electors residing on the east of said line shall hereafter hold their general and special elections at the house of John Nycum, and the electors on the west of said line shall continue to hold their general and special elections at the same place where it is now held in the village of Bloody Run.

Bristol town'p
Bucks co. SECTION 88. That the qualified electors of the borough of Bristol, in the county of Bucks, shall hereafter, at their annual election for borough officers, elect two qualified citizens to serve as constables of said borough, and no person shall be eligible to said office for more than two years out of three; and it shall be the duty of the judges of the Court of Quarter Sessions of the county of Bucks, to appoint a qualified citizen of said borough to serve as constable until the next annual election for borough officers.

County of
Montgomery
Elections. SECTION 89. In the county of Montgomery, the general elections shall be opened between the hours of nine and eleven o'clock in the forenoon, and be kept open till nine o'clock in the evening, and the special elections shall be opened between eleven o'clock in the forenoon and one o'clock in the afternoon.

Jackson tp.
Lebanon co. SECTION 90. That the qualified electors of the township of Jackson, in the county of Lebanon, shall hereafter hold their general election at the house of George Diehl, in Myerstown.

East Rockhill
Bucks co.
boundaries. SECTION 91. That the boundary lines for the East Rockhill election district, in the county of Bucks, shall be as follows: beginning at the township line between the townships of Bedminster and Rockhill, at a stone set for a corner between the townships of Hilltown and Rockhill, on lands of Daniel Maugle, thence down said line between Hilltown and Rockhill to or near John Nunnemaker's, thence in a northwest direction to intersect with a public road located on the academy line, near Esquire Dills, thence the same course on said academy line, until it strikes the line between Rockhill and Richland townships, thence down said township line to the line between Rockhill and Haycock townships and from thence down said township

line to the line between Bedminster and Rockhill townships, and down said line to said corner stone in Maugle's land and place of beginning, and shall hold their general elections at the public house of Jacob Worman, in said East Rockhill, and all laws heretofore passed in relation to the boundary lines of East Rockhill, be and the same are hereby repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 145.]

A SUPPLEMENT

To an act, entitled an act to incorporate a Turnpike Road company, passed fourteenth February, eighteen hundred and thirty-eight, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That when, and so often as the President and Managers of the Doylestown and Willow Grove turnpike road company, shall have completed any one mile or more of the said road, they may proceed to have the same inspected and licensed for taking toll thereon, in the same manner, and with the like restrictions and privileges as is provided in the tenth section of the act to which this is a supplement.

SECTION 2. That the said president and managers and company shall be, and they are hereby authorized to borrow, for the purposes of the company, any sum not exceeding fifteen thousand dollars, and for the purpose of securing the payment of the same to the lender or lenders, may issue certificates of loan, in sums not less than twenty-five dollars each, to be signed by the said president and treasurer, and sealed with the seal of the corporation, to be payable at such time, and upon such terms as may be agreed upon between the parties; and

Doylestown and Willow Grove turnpike R. com. may receive toll as often as one mile or more is finished.

Company may borrow limited sum. Certificates.

in order to secure to the lenders, their executors, administrators or assigns, the amount of the said certificates as they shall become due and payable by the said president, managers and company, are hereby authorized and empowered to make and execute to a trustee or trustees, to be appointed by the president, managers and company, a mortgage in the manner hereinafter provided for of the whole of the said turnpike road, as the same shall be at the time of the mortgage executed, or at any time thereafter, and of all the stock, rights, and privileges of the said president, managers and company; and if all and each of the stockholders thereof, and in case it shall happen that any certificate of loan aforesaid shall remain unpaid, for thirty days after the time appointed for the payment of the same, then it shall be lawful for any holder of such certificate to sue out a scire facias on the mortgage aforesaid, and proceed to obtain judgment thereon, and the judgment so obtained shall stand as a security for all such certificates as shall then remain unpaid; and the holder of any certificate may proceed and issue a levari facias and sell the said road, and all the rights, stock and privileges of the said president, managers and company therein, and all the stock, rights, and privileges of the stockholders of the said company, and a sale under such levari facias shall vest absolutely in the purchaser the whole rights, privileges and stock of the company, and of the stockholders therein, as effectually as real estate is vested in a purchaser when sold on a mortgage, and the said sale shall wholly divest the said president, managers and company, and each and every stockholder of all corporate powers, right, title, interest, estate, privilege or stock in the said company, and all corporate powers, right, title, interest, estate, privilege or stock, as well of the said president, managers and company, as that of each and every stockholder, shall be vested in the purchaser or purchasers thereof; and from thenceforth all the provisions of the act of incorporation of the said company, with corporation powers conferred, and of the several laws of this commonwealth in relation to turnpike roads, shall be for the benefit and government of the said purchaser or purchasers, in like manner as if they were the original corporators; and if at any time the interest agreed to be paid shall remain unpaid for thirty days after the time appointed for the payment thereof, the court of Common Pleas of Bucks county shall, on the application of a holder of a certificate to whom interest is due, that all the tolls received upon the said road to be paid to a receiver, appointed by the said court, until sufficient toll is collected to pay such interest, and shall enforce such order against all and every receiver of tolls, if necessary, by attachment, shall direct the interest aforesaid to be paid out by such receiver to those entitled to receive it, and all the proceedings to affect these purposes shall be in such form as the

Mortgage to trustees.

Sci. fa.

Levari fa. to sell road.

Vested in purchasers.

Unpaid interest.

Tolls applied to interest.

court aforesaid may direct: *Provided*, That before proceed- Proviso.
 ings to obtain the loan aforesaid, the said president, managers
 and company shall, by resolution of the board, determine pre-
 cisely the amount of the loan to be made, which shall not be
 exceeded, and thereupon they shall execute to the trustee
 aforesaid the mortgage aforesaid, conditioned as aforesaid,
 which shall be for the use of all and every the holders of the
 certificates of loan in manner as aforesaid; and then the said
 president, managers and company may, from time to time as
 they may deem best, borrow any portion of the said amount, for
 which they shall issue certificates of loans as aforesaid: *And*
provided, That for all fractional parts of tolls, not equal to any
 denomination of coins in circulation, the said company may
 take the next highest circulating denomination.

SECTION 3. That all the interest of the commonwealth in
 the stock of the said president and managers of the Doylestown and Willow Grove turnpike road company, be and the same is hereby released and transferred to the said company.

SECTION 4. That the executors or administrators of any de- Bonds for
 cedent, whose real estate may have been or hereafter may be lands sold for
 sold for taxes, during the life time of such decedent, in pur- taxes recover-
 suance of the several laws of this commonwealth, and a bond able by ex'rs.
 or bonds given by the purchaser for the surplus monies aris- or adm'r's.
 ing from such sale, may proceed to recover and collect the
 same, as fully and in the same manner as the decedent if liv-
 ing could collect the same, and the monies when collected,
 after deducting therefrom the expenses of collecting, shall be
 assets in the hands of said executors or administrators, in the
 same manner to all intents and purposes as though the same
 had been collected on a bond due the decedent; but it shall be
 in the power of the court, in which the same is about to be Power of
 collected, on application by any heir or heirs, creditors or de- court on ap-
 visees of such decedent, to make an order to suspend or pre- plication of
 vent the collection of said monies, when in the opinion of said heirs to sus-
 court such collection may operate injuriously on the interests pend collect'n.
 of said heirs, creditors or devisees.

SECTION 5. When any person has or shall die seized of un- Ex'r & adm'r
 seated land, leaving debts due at the time of his death, which may collect
 are or shall become liens on his real estate, and said land is bonds given
 now or shall be sold for taxes, and bonds given for the sur- for lands sold
 plus money pursuant to law, it shall be lawful for the execu- for taxes.
 tors or administrators of such decedent to collect said bonds,
 as fully and effectually as though the land had been sold dur-
 ing the life time of such decedent, and the monies when so
 collected, after deducting out the expenses of such collection,
 shall be paid into the court of Common Pleas when such bond Court to di-
 is filed, and distributed by order thereof, in the same manner rect distribu-
 as monies arising from a sale by the sheriff of said property tion.

on such lien would have been distributed, and the like remedy by appeal shall be given as in case of sheriff's sales.

Persons having liens on lands sold for taxes may redeem.

SECTION 6. When any lands have been or shall be sold for taxes, on which any person has a lien or other equitable interest, it shall be lawful for such person or persons, his heirs, assigns or other legal representatives, to redeem the same from the effects of such sale, as fully as the owner at the time of the sale might or could do, and when the time of redemption has or shall expire before the same is effected, it shall be lawful for such person or persons, his or their heirs, assigns or other legal representatives, to proceed in the manner prescribed by law to collect the amount of the surplus land, as fully as the owner of the land at the time of the sale might or could do; but the moneys when collected shall be paid into the court, when such bond is filed and distributed by decree of said court, in the same manner that the monies arising from a sale of said land by the sheriff would be by law distributed, and such decree of distribution shall be subject to like appeal as decrees for distribution of moneys arising from sheriff's sales are, or may be by law subject.

Receipt of treasurer for redemption money of lands sold for taxes to be given to prothonotary to be entered.

SECTION 7. It shall be lawful for any person who has or hereafter shall redeem any land sold for taxes, to give the receipt of the treasurer for such redemption money to the prothonotary of the proper county, when such sale is entered, who is hereby required to enter such receipt at length in a book to be kept by him for that purpose, and mark on the margin of the entry of the deed of such tract of land the word redeemed, and note the page of the book where such receipt is entered, for which service he shall be entitled to a fee of twenty five cents for each tract and no more, and on such entry being completed, such receipt shall be returned to the owner; but when the hand writing of the treasurer is not known to the prothonotary, he shall not enter the same till the person producing such receipt shall cause probate to be made thereof by some person acquainted therewith, before some judge, alderman, or justice of the peace of this commonwealth, and said probate shall be recorded with said receipt, and the recording of any receipt entered, as required by this act, shall be as good evidence in any court of record or elsewhere, as the original might or could be: *Provided*, That nothing in this act shall be construed to require the person redeeming, or who has redeemed lands to procure such receipts to be entered, nor shall the title be in any way effected by default thereof: *Provided*, That this act shall not be construed so as to effect the rights of any person or persons acquired under the existing laws.

Probate of receipt.

Proviso.

2d Proviso.

Duties of sheriff on levy of unseated land

SECTION 8. That in cases of levy by the sheriff, upon unseated lands belonging to defendants who do not reside in the county where said land lies, it shall not be necessary for the

sheriff to fix the notice or advertisement of the day and hour when owner of sale, upon the premises levied on, nor give said defendant a live out of the copy of said notice, but it shall be sufficient notice if the other county. requisites of the sixty-second section of the act of 16th June, 1836, entitled "an act relating to executions," are complied with.

SECTION 9. That John Fisher and William Hamilton of Commission-Mercer county, and John Cooper of Butler county, be and ers to lay out they are hereby appointed commissioners to view and lay out road from a state road from Centreville, Butler county, and thence via Centreville to East Brook, to Henry Pearson's mill in Mercer county, by Pearson's mill the nearest and best route.

SECTION 10. That it shall be the duty of said commission-Duties of com-missioners, scribing an oath or affirmation before a justice of the peace, to perform the duties enjoined upon them by this act, with im-partiality and fidelity; to carefully view the ground over To view, &c. which said road may pass, and to lay out the same as near to a straight line between the aforesaid points, as the nature of the ground will permit, so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at crossing ravines and streams, when by a moderate filling or bridging the declination of the said road it may be preserved within that limit.

SECTION 11. That it shall be the duty of said commission-ers respectively, plainly and distinctly to mark the ground Mark. on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same, and for the purpose of fulfilling the duties in this act enjoined, the commissioners respectively are hereby authorized to employ one surveyor, at a per diem allowance not exceeding two Surveyor and dollars, and two chain carriers at a per diem allowance not chain carriers exceeding one dollar and twenty-five cents, and the said com-compensation missioners respectively, shall receive a per diem allowance not exceeding two dollars for each and every day necessarily spent in the discharge of the duties enjoined by this act, to be paid in manner and form as hereinafter directed.

SECTION 12. That it shall be the duty of said commission-ers to make out a fair and accurate draft of the location of said Draft. road, noting thereon the courses and distances as they occur, improvements passed through, and also the crossing of town-Where ships lines, roads and waters, with such other matters as may serve for explanations; one copy whereof shall be deposited Deposited. in the office of Secretary of the Commonwealth, on or before the first of January next, and one copy in the office of the clerk of the court of Mercer county, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth the said road shall be to all intents and purposes, a public highway, and shall be open to the breadth

and repaired, in all respects, as roads are opened and repaired which are laid out by order of the court aforesaid.

Accounts how settled. SECTION 13. That the accounts of the said commissioners for their own pay and the pay of surveyors, chain carriers, &c., shall be made out and returned to the commissioners of Butler and Mercer counties, which shall be paid by orders drawn by the county commissioners on the treasury of their respective counties.

Meeting and completion. SECTION 14. That the said commissioners shall meet on or before the first Monday in June next, or as soon thereafter as practicable, and complete the review of said road as soon as practicable; and if any vacancy or vacancies shall happen by resignation or otherwise, the court of quarter sessions of Mercer county shall fill said vacancy or vacancies by the appointment of suitable persons who shall perform said duty.

Berwick Hydraulic company, SECTION 15. That the canal commissioners be and they are hereby authorized and empowered to make a contract, if they think it expedient, with the Berwick Hydraulic company, granting to said company the right to use the water power at the waste wier at the lock at Berwick, or so much thereof as may be necessary to drive forcing pumps to supply the town of Berwick with water: *Provided, however,* That the canal commissioners shall, at any time, have the power to annul any contract that may be made in pursuance hereof, when they think proper, without incurring any liability to damages therefor to said company.

May use water from canal. SECTION 16. That the commissioners appointed by the courts of Quarter Sessions of the counties of M'Kean and Warren to carry into effect the appropriation to the state road, called the East and West Road, leading from Warren by the way of Smethport, Coudersport, and Big Meadows to Wellsborough, be hereby authorized and required to complete the opening and repairing of the said road on or before the fourth day of July, one thousand eight hundred and forty-one, and that the time for the settlement of the accounts of the said commissioners be hereby extended to that period.

East & West state road, time of completion limit'd SECTION 17. That William Reed, Robert Milliken, of Mifflin county, and Hugh Givin, of Huntingdon county, be and are hereby appointed commissioners to review and lay out a state road, beginning at the road at Cooper's Gap in Mifflin county, thence by the nearest and best route through the Seven mountains, to intersect the public road leading from Greenwood furnace to Pinegrove, at or near the house of John Barr, in Huntingdon county.

Commissioners to lay out road from Cooper's gap to house of John Barr. SECTION 18. It shall be the duty of the said commissioners, or a majority of them, appointed to view, as aforesaid, after having been sworn or affirmed before some justice of the peace, who shall file and preserve the same in his office, to perform the duties enjoined on them by this act with im-

Duty of commissioners to view.

partiality and fidelity, carefully to view the ground over which the road by them laid out may pass, and lay out the same as near to a straight line between the aforesaid points as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall in no point exceed five degrees, except at crossing ravines and streams, where by moderate filling and bridging the declination of the road may be preserved within that limit; and further, it shall be the duty of said commissioners to have due regard to the crossing of waters, the nature of the ground, and damages to private property, and all other circumstances that may effect the route, so that by a judicious combination of them the route adopted may best promote the public good, and that they shall clearly and distinctly mark upon the ground the route agreed upon, in such a manner as to enable the supervisors readily to find the same: and for the purpose of fulfilling the duties in this act enjoined, the commissioners herein mentioned shall receive a per diem allowance of one dollar and fifty cents each for every day they shall be necessarily employed in performing the duties of this act, and in case any of the said commissioners shall perform the duties of surveyor he shall receive fifty cents per day in addition, and the said commissioners are hereby authorized to employ one surveyor at two dollars per diem, two chain bearers, and one axeman at a per diem allowance not exceeding seventy-five cents.

Mark, &c.

Compensat'n.

Surveyor, &c.

Compensat'n.

SECTION 19. It shall be the duty of said commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of county and township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the secretary of the commonwealth on or before the first day of January next, and one copy in the office of the clerk of the court of Quarter Sessions of the respective counties through which said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by orders of courts aforesaid; and the damages sustained by the owners of private property assessed and paid in the same manner.

Draft where deposited.

SECTION 20. The accounts of the said commissioners for their own pay, and for the pay of surveyors, chain-carriers and markers, shall be adjusted by the commissioners of the respective counties through which said road shall pass, and paid by the treasurers thereof on warrants drawn in the usual way, in proportion to the length of road in such county respectively.

Accounts how paid.

Meeting and
completion.

SECTION 21. The said commissioners shall meet on or before the first Monday in June next, or as soon thereafter as practicable, at such places as a majority of them shall agree upon, and complete the location of said road as soon as practicable, and if any vacancy or vacancies shall happen by resignation or any other cause, the court of Quarter Sessions of the proper county, as the case may be, are hereby authorized to fill the vacancy or vacancies by a suitable appointment.

Preamble.

SECTION 22. WHEREAS the stockholders of the Morgantown Churchtown and Blue Ball Turnpike Road Company, and other citizens of the counties of Lancaster and Berks, have represented to the legislature that the aforesaid road has for want of repairs thereon been thrown open according to law, and as they have prayed that the same may be declared a public highway, and be kept in repair in like manner as other public roads in this state are kept:

Morgantown,
Churchtown
and Blue Ball
turnpike road
declared a
public high-
way.

That the Morgantown, Churchtown and Blue Ball Turnpike Road, in the counties of Lancaster and Berks, be and the same is hereby declared to be a public highway, and that the same shall from and after the passage of this act be kept in repair and clear of all impediments, to easy and convenient passing and travelling, at the expense of the respective townships through which it passes, in like manner as other public roads are now kept in repair as the law directs; *Provided*, That in the event of a bridge being required over any creek or rivulet on said road, which will require more expense than it would be reasonable for one or two adjoining townships to bear, the same proceeding shall be thereupon had as is provided by the general laws of this commonwealth, regulating roads, highways and bridges; *And provided, further*, That the consent of said company to the provisions hereof be first obtained, and a writing to that effect filed in the court of Quarter Sessions of said county.

Proviso.

Bridges how
built.

WM. HOPKINS,
Speaker of the House of Representatives.

W. T. ROGERS,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 146.]

A N A C T

Incorporating the Ebenezer Methodist Episcopal Congregation of the Borough of Reading, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the Methodist Episcopal congregation Church established in the borough of Reading, county of Berks, and state of Pennsylvania, is hereby erected into a body politic and corporate in deed and in law, by the name, style and title of the Trustees of the Ebenezer Methodist Episcopal Church, in the borough of Reading, and by the same name shall have perpetual succession, and be able to sue and be sued, in all courts of law and elsewhere, and shall be able and capable in law and equity, to take and hold lands and teneiments, goods and chattels, of whatsoever kind, nature and quality, real, personal or mixed, which are now or hereafter shall become the property of the said congregation, by gift, grant, bargain, sale, conveyance, assurance, will, devise, bequest or otherwise, by any person or persons capable of making the same, and the same to grant, bargain, sell or dispose of, and the yearly value or income of the real or personal estate of the said congregation, shall not, at any time, exceed three thousand dollars.

SECTION 2. The officers of this corporation, shall consist of a president and nine trustees, of whom shall be chosen a treasurer and secretary, from among the male members of the society, as shall hereinafter be directed, and not less than five or more than seven stewards, citizens of this commonwealth, to be chosen according to the recognized discipline of the Methodist Episcopal Church in the United States of America.

SECTION 3. The present trustees, viz : Daniel Rhein, Christian Miller, Henry Goodhart, Jacob Gossler, Andrew S. Gossler, George Moore and John Souders, shall continue in office until an election shall take place.

SECTION 4. On the first Monday in January next, there shall be elected, by ballot, at the said Ebenezer Church, nine trustees, three of whom shall serve for the term of three years, three others for the term of two years, and the remaining three for the term of one year, which shall be determined by lot, by the trustees at their first meeting after the election, and on the

Annual election. first Monday in January in each and every year thereafter, there shall be elected by ballot, at the said church, three trustees who shall serve three years in the places of those whose term shall then have expired, to the end that there shall at all times be nine trustees: *Provided*, That no person shall be eligible, as a trustee, who shall not be a member of said church, of at least eighteen months standing in the said church, and twenty-five years of age.

Who may vote. SECTION 5. Every person shall be permitted to vote at an election for trustees, who is a regular male member of said church, and at least twenty-one years of age.

Proceedings when election shall be prevented at time appointed. SECTION 6. That whenever any circumstances shall prevent an election for trustees, at the time hereinbefore appointed for that purpose, from taking place then, and in every such case an election shall be held therefor as soon as conveniently may be, of which notice shall be given after divine service on a Sabbath day, at least one week previous to said election.

Vacancy how supplied. SECTION 7. When any vacancy shall occur by death, resignation, ceasing to be a member of said church or refusal to serve when elected of any of the said trustees, in every such case an election by the qualified voters of said church to fill the vacancy shall take place, as soon as convenient, one week's notice at least of such election having been given, on a Sabbath day, after divine service, and the person or persons so chosen, shall serve for the same time as the trustee or trustees, whose place or places he or they were chosen to fill, would have been entitled to serve.

President. SECTION 8. The preacher having pastoral charge of the congregation from time to time, shall by virtue of his office, be president of the board of trustees.

Estate how vested. SECTION 9. All the estate of said church, whether real, personal or mixed, shall be vested in the said trustees and their successors forever, in trust for the Ebenezer Methodist Episcopal Church, but the said trustees or their successors shall not, at any time, grant, bargain, sell, convey, dispose of any of the real estate of the said church, now belonging to the said corporation, or which may hereafter be acquired, or in any manner or way charge or encumber the same without first calling a meeting of the male members of said church, duly qualified to vote for trustees according to this act, of which meeting due notice shall be given at least one week previous, on a Sabbath day, and obtaining the consent and approbation of at least two-thirds of the same, who shall be convened together by virtue of such call or invitation: *Provided nevertheless*, That nothing in this section shall authorize the said trustees at any time to sell, dispose of, or alienate from the Methodist Episcopal Church, the building now occupied as a place for divine worship, situated in south Fourth street, be-

How estate may be conveyed or encumbered.

Proviso.

tween Penn and Franklin street, east side, in the borough of Reading, and state of Pennsylvania.

SECTION 10. The rents, issues, profits and interests of the said real personal estate of and belonging to the said church and corporation, as shall from time to time be applied and laid out for repairing and maintaining said church and place of worship, lot or lots of land, burial ground, parsonage house or houses, and buildings which now do or may hereafter at any time belong to the said church and corporation, as shall from time to time be thought proper and expedient by the said trustees or a majority of them: *Provided always*, That nothing contained in this or any other section of this act, shall be so construed as to prevent the stewards from discharging the duties required of them, by the discipline of the Methodist Episcopal Church, so far as these duties are not repugnant to the constitution or laws of this commonwealth. Rents, &c. applied to repairs
Proviso.

SECTION 11. The trustees shall make, ordain, establish and put into execution, all such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the transacting the business of said corporation, not repugnant to the constitution of the United States, or to the constitution of the commonwealth of Pennsylvania. By-laws.

WHEREAS John Latour, of the city of Philadelphia, executor of the last will of Maria Anne Pizean Duval, deceased, has presented his petition to the Legislature, setting forth, that the said will of the said devedent is dated the twenty-fifth of May, Anno Domini, one thousand eight hundred and thirty- and was duly proved at Philadelphia on the nineteenth day of March, Anno Domini, one thousand eight hundred and thirty-eight, and letters testamentary granted to your petitioner as the sole executor therein named; That the said testatrix has directed your petitioner to sell her real estate, and bequeathed the proceeds to her sister in France; That the testatrix was in possession of and claimed no other real estate than a two story brick house and lot of ground, situate on the south side of Christian street, between Front and Second streets, in the District of Southwark, which she occupied at the time of her death, fully believing that it was wholly her property, and that her title thereto was perfect; That the said property was purchased with her funds, to wit, the sum of one thousand dollars, on the eleventh day of December, Anno Domini, one thousand eight hundred and eighteen, and the conveyance therefor made to one Arno Ballott, her agent; That after this the Arno Ballott died, leaving a will dated the twenty-seventh day of February, Anno Domini, one thousand seven hundred and ninety-eight, which was duly proved at Philadelphia the thirtieth day of April, Anno Domini, one thousand eight hundred and thirty, devising and bequeathing the whole of his Preamble.

estate to the said testatrix; That all the property to which he had or could claim any title was the house and lot in question at the time of his decease; That the said testatrix was in the possession of the said property both before and after the death of the said Arno Ballott, until the period of her own decease, and since then the petitioner has been in the undisturbed possession of it, and has regularly received the rents and profits of it; That he has never heard of any heirs or kin of the said Arno Ballott, and he does not believe that any exist. And your petitioner further says, that he knows of his own knowledge that the facts stated in this petition as to the purchase of the said property by the said Arno Ballott with the testatrix's funds, and he firmly believes that if either had supposed that his will by reason of being anterior to the purchase would not have passed the title to her, the error would have been corrected, either by a new deed or will; *And whereas*, the said petitioner has supported his said petition by the deposition under oath of two competent witnesses. Now therefore,

John Latour
authorized to
make title to
certain real
estate and
distribute the
proceeds.

SECTION 12. That the said John Latour shall have power to make a title to the said real estate, to any purchaser or purchasers thereof, and to distribute the proceeds of the same in the manner pointed out by the will of the said Maria Anne Pizean Duval, his testatrix; *Provided, however*, That nothing herein contained shall be construed to mean or declare other than that the will of said Arno Ballott shall be taken and considered to be posterior in date to the conveyance to him of the said real estate.

Preamble.

SECTION 13. Whereas it has been represented to the Senate and House of Representatives of the Commonwealth of Pennsylvania, that Benjamin H. Price, son of John and Jane Price, of Lower Merion township, in Montgomery county, deceased, was born before the marriage of his said parents; Therefore all the property and interest of the said commonwealth in any estate, real or personal, or in the proceeds of sale of any estate, real or personal, of which said Benjamin was seized or possessed, at the time of his death, in possession, remainder or reversion, shall be and the same is hereby vested in such person or persons, and for such estate and estates, respectively, as would now be entitled to the same, if the said Benjamin had been born of his said parents in lawful wedlock; *Provided*, That nothing herein contained shall in any wise affect or impair any estates, rights, titles, interests, claims or demands therein, or thereto, at law or in equity, of any other person or persons whomsoever.

Surveyor General
authorized to grant
order of re-
survey to Jos.
S. Sparks.

SECTION 14. That the Surveyor General be and he is hereby authorized and directed to grant an order of re-survey to Joseph S. Sparks, of Providence township, Bedford county, upon a warrant granted to the said Joseph S. Sparks, dated the sixth of May, one thousand eight hundred and thirty-three,

for eighty-four acres, and numbered eight hundred and fifty-nine, authorizing a re-survey and location of the said warrant upon any vacant and unappropriated land belonging to the commonwealth, within the township and county aforesaid, and within a reasonable distance of the other land of the warrant, and accept the survey so made; *Provided*, That the rights of third persons are not to be affected thereby.

SECTION 15. That any and every grant, bargain and sale, release, or other deed of conveyance or assurance of any lands, tenements, or hereditaments in this commonwealth, heretofore *bona fide* made, executed and delivered by husband and wife within any other of the United States, where the acknowledgment of the execution thereof has been taken, and certified by any officer or officers in any of the states where made and executed, who was, or were authorized by the laws of such state to take and certify the acknowledgment of deeds of conveyance of lands therein, shall be deemed and adjudged to be as good, valid and effectual in law for transferring, passing and conveying the estate, right, title and interest of such husband and wife of, in and to the lands, tenements and hereditaments therein mentioned, and be in like manner entitled to be recorded, as if the acknowledgment of the execution of the same deed had been in the same and like way, manner and form taken and certified by any judge, alderman, or justice of the peace, of and within this commonwealth.

Acknowledgments of deeds &c. in any of the U. States declared good and valid in this state.

SECTION 16. That no grant, bargain and sale, feoffment, deed of conveyance, lease, release, assignment, or other assurance of any lands, tenements and hereditaments whatsoever, heretofore *bona fide* made and executed by husband and wife, and acknowledged by them before some judge, justice of the peace, alderman, or other officer authorized by law, within this state, or an officer in one of the United States, to take such acknowledgment, or which may be so made, executed and acknowledged as aforesaid, before the first day of January next, shall be deemed, held or adjudged, invalid or defective, or insufficient in law, or avoided or prejudiced, by reason of any informality or omission in setting forth the particulars of the acknowledgment made before such officer, as aforesaid, in the certificate thereof, but all and every such grant, bargain and sale, feoffment, deed of conveyance, lease, release, assignment or other assurance so made, executed and acknowledged as aforesaid, shall be as good, valid and effectual in law for transferring, passing and conveying the estate, right, title and interest of such husband and wife of, in, and to the lands, tenements and hereditaments mentioned in the same, as if all the requisites and particulars of such acknowledgment mentioned in the act, entitled an act for the better confirmation of the estates of persons holding or claiming under *feme coverts*, and for establishing a mode by which husband and wife may

Certain omissions in acknowledgment not to avoid or prejudice instrument of writing.

hereafter convey their estates, passed the twenty-fourth day of February, one thousand seven hundred and seventy, were particularly set forth in the certificate thereof, or appeared upon the face of the same.

John Heiseley
may construct
basin on
Penn. canal.

SECTION 17. That John Heisely, of the borough of Williamsport, in Lycoming county, is hereby authorized to construct a berm bank of the West Branch division of the Pennsylvania canal, along the premises, now in the occupancy of said Heisley, in the borough aforesaid, and shall have the privilege of loading and unloading goods, wares and merchandise on or from said wharf; *Provided*, the same shall not in any manner interfere with the free navigation of said canal, and that the Canal Commissioners assent thereto, previous to the construction of the said wharf.

Administra-
tors of Walter
Oliver to ex-
ecute certain
deeds.

SECTION 18. That the administrators of the estate of Walter Oliver, late of Mercer county, deceased, be and they hereby authorized to make and execute deeds for all lands which the said decedent in his life time contracted to convey, where said contract was of such a nature as to be binding on the estate, if proven in court, under the laws of this commonwealth, and the deeds so to be made shall vest the same title in the party holding such contract, his or their heirs, assigns, as would or could be if said contracts had been proven in court according to law.

WM. HOPKINS,

Speaker of the House of Representatives;

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty,

DAVID R. PORTER.

[No. 147.]

A N A C T

To incorporate the Western Hose Company of the City of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority*

Hose compa-
ny established

of the same: That all and every the persons who shall, at the time of passing this act, be members of the association called the "The Western Hose Company, of the city of Philadel-

phia," and all such persons as may hereafter be regularly admitted as members of the same, shall be and they are hereby created and declared to be one body politic and corporate, by the name, style and title of "The Western Hose Company," Name. and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of record or elsewhere, and to purchase, receive, Liberties and franchises. have, hold and enjoy to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattles, of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same, from time to time, to sell, grant, alien or dispose of: *Provided*, That the Proviso. clear yearly value or income of the real and personal estate of the said corporation shall not exceed the sum of one thousand Income limit- dollars, and also to have a common seal, and the same to break, ed. alter and renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter or to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation and the due management and ordering of the affairs thereof.

SECTION 2. Nothing in this act contained shall be deemed to Banking, &c. authorize the said company to engage, either directly or in- Prohibited. directly, in any banking, moneyed or commercial manufactur- ing concern, or to act in any other way than as a hose company.

SECTION 3. The legislature reserves the power to alter, re- Repealing clause. voke or annul the privileges and charter hereby granted, whenever in their opinion the same may be injurious to the citizens of the commonwealth, in such manner however, that no injustice shall be done to the corporators.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 148.]

A N A C T

To settle the estates of John Nicholson and Peter Baynton.

Preamble. WHEREAS John Nicholson, died in the year eighteen hundred, indebted to this commonwealth, and other creditors, leaving a large landed estate: *And whereas*, by the existing laws, the said estate was subject to the fiscal lien of this commonwealth, and in order to render the said lien available, various acts have been done by the state officers under authority of law, with reference to seizing and retaining the title and other papers of said Nicholson, and selling portions of said land, by means of which the other creditors of said Nicholson have been unavoidably delayed in the enforcement of their debts, and the heirs of said Nicholson have been prevented from enjoying any balance of said estate, which might have resulted to them after payment of his debts: *And whereas*, the interests of the state, the rights of said creditors and said heirs, and the prosperity of the counties in which the said landed estate lies, requires that a speedy and just settlement of all questions connected with the estate of said Nicholson should take place: Therefore,

Court established. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That a court to be styled and called "The Nicholson Court of Pleas for the state of Pennsylvania," be and hereby is created and established, to hold its sessions in Harrisburg, where it shall hear and determine all cases in relation to the estate of John Nicholson, deceased, except the claims of the creditors of said estate, and for the purpose of hearing and determining those claims, the said court shall hold its sessions in Philadelphia, and shall be composed of one judge learned in the law, to be appointed by the Governor, by and with the advice and consent of the Senate, and to hold his office until the Governor shall, on the final settlement of such estate dissolve the said court by proclamation, not however to exceed the term of four years from the date of his appointment, and the said court shall have all the legal and equitable powers vested in the courts of common pleas of this state, and full and exclusive jurisdiction to try, hear, and determine all claims and controversies whatever concerning the

Name.

Judge to continue 4 years.

Powers and jurisdiction of court.

right and title to land alleged to be the property of the said Nicholson, in his life time, and all other questions relating to the claims of heirs, creditors or other persons whatsoever, to said estate or the proceeds thereof, with power to fix the return days of all process, and make and enforce all rules, regulations and orders for conducting the business of said court, and to issue precepts, venires, writs, subpoenas and other process, for the summoning of jurors, parties and witnesses, as is now by law allowed in regard to the court of Common Pleas of Dauphin county, and with full power, both at law and in equity in regard to said jurisdiction, and the said court shall have a seal, having engraved thereon "Nicholson Seal. Court of Pleas Pennsylvania," and shall hold its sessions whenever ordered by the judge thereof: *Provided*, That public notice be given of the time and place of holding such court, for four weeks in two newspapers of the county in which the court is to be holden. Proviso.

SECTION 2. All original mesne or final process issued out of the said court shall be directed to, and served and executed by the sheriff or coroner of the county, whenever the party to be served with the same resides, or can be found, and in case the residence of the party is not known, or is out of the commonwealth, the said judge shall direct a copy of said writ or process, to be published in one daily newspaper in the city of Philadelphia, one day in each week for six weeks successively, prior to the return day thereof, and such publication shall be deemed and taken by the court a good and effectual service of said writ or process upon the party aforesaid, and the fees to be allowed to sheriffs or coroners shall be the same as allowed by law for similar services, but mileage shall only be charged by them from the seat of justice of their respective counties, to the residence of the party on whom the process shall be served, and they shall charge such postage as they shall have paid thereon. Duties of sheriff or coroner. Writs how served in certain cases. Fees. Mileage.

SECTION 3. That a board of three commissioners shall be constituted in the following manner, namely: the Governor shall nominate one person, a majority of the creditors whose claims have been reported and filed with the present commissioner, or any person authorized by them, shall nominate one person, and the heirs of the said Nicholson, or any person authorized by them, shall nominate one person to the judge aforesaid, who shall, if he approve thereof, appoint the commissioners thus nominated. And if either of the said parties shall neglect or refuse, after sixty days' notice, published in two daily newspapers of the city of Philadelphia, to nominate a commissioner, it shall be the duty of the judge to appoint a suitable person to fill, or if the nominee of either party shall refuse to act, the judge shall appoint a suitable person as commissioner, on the nomination of such party. Commiss'rs. how appointed.

- Powers and duties of commissioners.** SECTION 4. That the said board of commissioners, or a majority of them, shall have full power and authority (subject to the confirmation of said court) to adjust, settle and compromise on behalf of the commonwealth, the other creditors, and the heirs of the said Nicholson, with any person or persons, who in any manner may claim or allege title to any of the lands and real estate, of which the said Nicholson died seized or possessed, in law or equity, on such terms as to the said commissioners shall appear most eligible, and their proceedings therein, when approved by the said court shall be final and conclusive on all parties; and in case a compromise cannot be thus made by the said commissioners with any claimant, they shall report the same to the judge of the said court who, thereupon, shall issue his process to the said commissioners, commanding them or a majority of them to sell such lands at public sale, and the said judge shall at such time as he may believe advisable issue his process, directing the public sale of all other lands or interest in lands in this commonwealth, which may be returned by the said board as the property or estate of the said Nicholson, without inquisition, and in all cases of sales so to be made by the commissioners, or a majority of them, at least twenty days' notice shall be given of the time and place of sale by advertisements, in one newspaper printed in the county where the lands respectively lie, (if any be there printed, and if not, in one newspaper printed nearest to such county,) and also in two daily newspapers printed in the city of Philadelphia, and it shall be lawful for the said board to adjourn the sales from time to time, and place to place, as they may deem proper: *Provided*, That no purchase, either directly, or indirectly, shall be made on behalf of the commissioners aforesaid in their own right.
- To report.**
- Sell.**
- Notice of sale.**
- Proviso.**
- Terms of compromise and sale.** SECTION 5. The said board shall fix the terms and conditions on which compromises and sales shall be made, and upon confirmation of such contracts by the said court, and deposit of the consideration money or securities into the said court, conveyances shall be made to the party by the Secretary of the Commonwealth, under the great seal of the state, and ratified by the judge of the said court under the seal thereof, granting and confirming unto the said party all the estate, right, title and interest, which John Nicholson had and held, of, in and to said lands, at the time of the commencement of the liens of the commonwealth against his estate.
- Duties of Sec. Common'th.**
- Judges salary** SECTION 6. The said judge shall be entitled to receive out of the state treasury, one thousand six hundred dollars per annum, payable quarterly, and there shall be a clerk of said court appointed by the Governor, who shall be entitled to receive from suitors the same fees as are now by law allowed to the clerks and prothonotaries of courts, and the state shall be entitled to be reimbursed the said salary and contingent expenses of said
- Clerks fees.**

court out of the funds so as aforesaid, to be paid into the said ^{Moneys how} court; and the said court shall distribute all moneys paid into ^{distributed.} court according to the rights of the parties with writ of error, or appeal to the Supreme Court as in the Courts of Common Pleas of this commonwealth.

SECTION 7. All books and papers in regard to said estate Court to take now held by the state officers, shall be delivered into the ^{charge of} custody of the said court when required by the judge thereof. ^{books and pa-} ^{pers.}

SECTION 8. If the judge to be appointed as aforesaid, shall ^{Judge in cer-} come within any of the provisions of the thirty-seventh section ^{tain cases to} of the act entitled "an act relative to the organization of the ^{certify case to} courts of justice, passed April fourteen, one thousand eight ^{the Com. Pleas} hundred and thirty-four," he shall certify such case into the ^{of Dauphin co} Court of Common Pleas of Dauphin or Philadelphia county, ^{at his election to be there tried and disposed of, which court shall have full power and authority to give judgment in such case according to law and equity with writ of error or appeal as aforesaid.}

SECTION 9. Every act required to be done by the commis- ^{Commiss'rs} sioners aforesaid, shall be held good and valid if done by a ^{subject to} majority thereof, and the said commissioners shall be subject ^{rules, &c. of} to the rules, orders and decrees of said court, in regard to ^{court.} their ministerial duty, and shall receive such compensation out of the funds in court as the said judge shall allow and order, not exceeding three dollars per day, and the said court shall have power to fill any vacancy in said commission, and on cause shown, to remove any or all of the said commissioners, and appoint another, or others instead, such commissioner to be appointed conformably to the provisions of third section of this act.

SECTION 10. That from and after the appointment of the ^{Office of} judge aforesaid, the office of the present commissioner ap- ^{Commiss'r} pointed under the act of July second, eighteen hundred and ^{under former} thirty-nine, shall cease and determine, and the books, papers ^{act abolished.} and documents in his office, shall be under the care and control of the surveyor general of the commonwealth, who shall ^{Duties of Sur} deliver copies thereof, under his hand and the seal of his ^{veyor Gen'l.} office, which shall be as good evidence in any court of this commonwealth as the original might or could be, and the fees charged for such copies shall be the same as those for similar papers in the land office.

SECTION 11. The commissioner nominated by the Gover- ^{Duties of} nor and appointed by the judge, in conformity to the third ^{Commiss'r} section of this act, shall have full power to settle, adjust and ^{nominated by} compromise, with any person or persons, who in any manner ^{Governor.} may claim or allege title to any of the lands late the property of Peter Baynton, deceased, on such terms as to the said commissioner shall appear most eligible, and his proceedings therein, when approved by the Governor, shall be final and

Proceedings when compromise cannot be effected. conclusive on the commonwealth; and in case a compromise cannot be made, the said commissioner shall report the same to the Governor, who shall at such time as he shall deem proper, issue his process to said commissioner, and direct him to sell at public sale said lands; and all other lands or interest in lands which Peter Baynton claimed title to at the time of his death, either in law or equity, the said sale to be conducted in the same manner, and under the same restrictions as are contained in the fourth section of this act, and the terms and conditions of sale and compromise shall be fixed by the commissioner, and upon confirmation of said contract by the Governor, and deposit of the consideration money or securities with the State Treasurer, the Secretary of the Commonwealth shall make and execute a deed, under the great seal of the state, to the party for the property sold or compromised as aforesaid, as and for such estate and interest as the said Peter Baynton had, and held the same at the time of the commencement of the lien of the commonwealth against his estate.

Secretary of Com. to make deed.

Oath or affirmation of commiss'ss.

SECTION 12. The commissioners to be appointed in pursuance of this act shall, before they enter on the duties of their appointment, file with the judge of said court an oath or affirmation, taken and subscribed before some judge or justice of the peace, that they will, well, truly, and with due diligence, impartiality and fidelity perform the duties enjoined on them, agreeably to the true intent and meaning of this act.

Bonds for purchase money how collected.

SECTION 13. That the commissioner nominated by the Governor, and appointed conformably to the third section of this act, be and he is hereby authorized and required to collect the several sums due on bonds given to the state treasurer, for the purchase money of lands of John Nicholson, sold by the state commissioners to individuals, under the act of March thirty-first, one thousand eight hundred and six, and its supplements, as follows: He shall give at least three month's notice to the purchasers, their heirs or legal representatives, if resident within the county where the lands lie, or if they cannot be found therein, to the person or persons in possession of the land to come forward and pay to the treasurer of the commonwealth the amount due on said bonds, and in case of neglect or refusal to pay after notice thus given, the governor shall issue his process to the said commissioner, directing him to advertise and sell at public sale the lands for which the purchase money remains unpaid, as aforesaid, on such terms as he may deem eligible, the said sale to be conducted in the same manner, and under the same restrictions as those contained in the fourth section of this act (except that publication need not be made in two daily newspapers, printed in the city of Philadelphia:) *Provided*, That the said commissioner shall have full power to settle by compromise or

Notice to purchasers.

Sale how conducted.

otherwise, with any person or persons, who in any manner may claim or allege title to any of the lands aforesaid.

SECTION 14. The said commissioner shall give a certificate to the purchaser or person with whom the compromise is made, setting forth the terms of said sale or compromise, and upon confirmation thereof by the Governor and payment of the consideration money, not exceeding six months thereafter, to the state treasurer, the secretary of the commonwealth shall upon the production of said certificate, ratified as aforesaid, and the treasurer's receipt for the money, make and execute a deed or deeds, under the great seal of the State to the party for the property sold or comprised, as aforesaid, as and for such estate as the said John Nicholson had and held the same, at the time of the commencement of the lien of the commonwealth against his estate.

Certificate of compromise.

Confirmation.

Sec'y to make deed.

SECTION 15. The said commissioner shall also have full power and authority to sell by separate tracts, or otherwise, and to compromise with any person or persons who claim by virtue of any adverse title any lands, late the property of John Nicholson, deceased, which were purchased in and for the use of the commonwealth, on such terms and conditions, and for such price as he may be able to ascertain will be just and reasonable: which private sale or compromise, when confirmed by the Governor, shall be final and conclusive on all parties thereto. And in case it be found impracticable to sell or compromise, as aforesaid, the Governor shall issue his process to the said commissioner, directing him to advertise and sell at public sale the lands aforesaid; the said sale to be conducted in like manner and under similar regulations to those mentioned in the fourteenth section of this act, and the confirmation thereof: payment of the consideration money and execution of the deed, to be made and done in the same manner as and under similar restrictions to those contained in the fifteenth section of this act.

Powers of com'rs to sell separate tracts or otherwise.

Confirmation by Governor.

Proceedings when confirmation cannot be effected.

SECTION 16. The resolution of February eighteenth, one thousand eight hundred and thirty-nine, relative to the estate of the late John Nicholson and Peter Baynton, and the eighth section of the act of July second, one thousand eight hundred and thirty-nine, entitled an act relating to the claims of this commonwealth against the estate of John Nicholson and Peter Baynton, and parts of acts hereby altered or supplied, be and the same are hereby repealed.

Repeal of certain parts of former laws.

SECTION 17. All claims of the creditors of John Nicholson's estate, which have been presented to the commissioner appointed under the act of July second, eighteen hundred and thirty-nine, since the first of October, eighteen hundred and thirty-nine, and all claims that may be presented to the Judge of the court, aforesaid, before the first day of October next, shall have the same force and effect, as if presented on or

Presentment of creditors claims.

before the first day of October last, any thing in the thirteenth article of the second section of said act to the contrary notwithstanding.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 149.]

A N A C T

To establish an Academy at Centreville, in the county of Crawford.

<p>Academy incorporated.</p> <p>Name, style, and title.</p> <p>Privileges, & franchises.</p>	<p>SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:</i> That there shall be, and hereby is established in the village of Centreville, in Rome township, in the county of Crawford, an Academy or public school for the education of youth in the English and other languages, and in the useful arts, sciences and literature, by the name, style and title, of the Centreville Academy, under the care and direction of six trustees, who, and their successors in office, shall be, and are hereby declared to be one body politic and corporate, in deed and in law, by the name and style of the trustees of the Centreville Academy, and by the same name, shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere; and shall be capable in law and equity, to take and hold to them and their successors, for the use of said Academy, lands, goods, chattles and moneys, of every kind whatsoever, by gift, grant, conveyance, devise or bequest, from any person or persons whomsoever, capable of making the same, and the same from time to time, to sell, convey or dispose of, for the use of said Academy, and to erect such buildings as may be necessary, and to make, have and use a common seal, and the same to break or alter at pleasure, and generally to do all and singular the matters and</p>
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things which shall be lawful for them to do, for the well being of the said Academy, and due management and ordering of the affairs thereof.

SECTION 2. And the first election of trustees shall take place on the first Friday in August, in the year one thousand eight hundred and forty, and on the same Friday thereafter, annually at the Presbyterian meeting house, in the said village of Centreville; and the said election shall commence at the hour of one o'clock, P. M. and continue until five o'clock, P. M. and shall be conducted by two managers, who shall be appointed by a majority of the citizens qualified to vote, who may be present at the time of commencing said election. No person shall be allowed to be a trustee, or to vote unless he be a citizen of said county, and shall have subscribed and paid to the funds of said Academy the sum of five dollars. The vote shall be given by ballot, and each ticket shall be labelled on the outside, "Trustees of Centreville Academy," and at the first election shall contain the names of six persons, and the six having the greatest number of votes, and being qualified according to the provisions of this act, shall be the trustees for the ensuing year and until their successors are elected. The managers shall certify the result of the election to each person so elected. As soon as convenient after the election, the said trustees shall by lot divide themselves into three classes of two each. The term of office of the first class, shall expire in one year after their election; that of the second in two years, and that of the third in three years; and after the first election, but two trustees shall be elected annually. The board of trustees shall have power to fill vacancies, to appoint their president yearly, who shall be one of the elected trustees, and they shall have power to enact such by-laws as may be necessary, not being inconsistent with the constitution and laws of the United States, or the constitution and laws of this Commonwealth; and four of the said trustees shall constitute a quorum, and a quorum may in the absence of the President appoint a president *pro tempore*; the said board of trustees shall appoint a secretary and treasurer yearly, but they shall have power to remove either, whenever a majority of the board shall think proper. The treasurer shall before he commences the duties of his office, give a bond to said corporation with one or more good sureties, to be approved of by a majority of the managers, for a penal sum, double the estimated amount for the time being of the funds of the corporation, conditioned for the performance of his duties enjoined and the re-payment of moneys received by him.

First election
of Trustees,
when & where
and how held.

Who may
vote.
Manner of vo-
ting.

Classification
of trustees.

By-laws.

Quorum.

Officers.

Treasurer to
give bond.

SECTION 3. The treasurer shall receive and hold all moneys belonging to the institution, and pay the same only to the order of the board, signed by the president and secretary, or by a majority of the trustees, and he shall keep fair accounts thereof, to be open at all seasonable hours for the inspection of all persons, who may have contributed to the funds of said institution;

Duty of Treas-
urer.

To exhibit annual accounts of January, exhibit all their books, vouchers and accounts of every kind, before the auditors of the county of Crawford, to be settled and adjusted in the same manner as accounts of county commissioners are, or shall be by law directed to be settled, and any balance found due the institution shall be entered of record and become a lien, and be collected in the same manner and under the same regulations as balances found due from county treasurers, saving to the accountant and the corporation the same right to appeal. Every trustee or treasurer, who shall neglect or refuse to exhibit his books, accounts and vouchers, as aforesaid, shall forfeit the sum of forty dollars, to be recovered as debts of a similar amount, are now by law recoverable in any action (brought by a person qualified to vote for trustees,) in the name of said corporation, one half to be recovered for the use of the Academy, and the other half for the use of the prosecutor.

Penalty for refusal.

Who may be trustees.

SECTION 4. Persons of every religious denomination shall be capable of being elected trustees, nor shall any person, either as principal teacher, tutor or pupil, be refused admittance into the seminary, or be denied any of the privileges, immunities or advantages thereof, for or on account of his or her sentiments in matters of religion.

Misnomer.

Proviso.

SECTION 5. No misnomer of said corporation shall defeat or annul any gift, grant devise or bequest, to or from said corporation; *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to or from said corporation.

Right to annul.

SECTION 6. The legislature reserves the right to revoke, alter or annul, the charter hereby granted at any time they may think proper.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, JR.

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 150.]

A N A C T

For the relief of Elizabeth Hubley and others, widows of soldiers of the Revolutionary and Indian Wars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the State Treasurer be, and he hereby is authorized and required to pay to Elizabeth Hubley of Mercer county, Mary Inners and Barbara Finck, of Sacer, York, and Rome Pope and Catharine Lehman, of York county, Barbara Erdman of Montgomery county, widows of soldiers of the Revolutionary and Indian Wars; or to their respective orders forty dollars each immediately as a gratuity, and an annuity of forty dollars each during life, payable half yearly, to commence on the first day of January, one thousand eight hundred and forty; said gratuities and pensions, to be paid in conformity with existing laws. Relief of widows in Mercer, York, and Montgomery counties.

SECTION 2. That the State Treasurer be, and he is hereby authorized and required, to allow to Jacob Mechlin, treasurer of the county of Butler, credit for forty dollars in the settlement of his accounts, being money paid by the said Jacob Mechlin in his official capacity to the executors of William Wilson, deceased, under the direction of the former State Treasurer, and agreeably to an act of Assembly, passed the thirteenth day of March, one thousand eight hundred and thirty-nine, entitled "an act for the relief of William Lyon and others, soldiers and widows of soldiers of the Revolutionary and Indian Wars." Butler county treasurer shall have credit.

SECTION 3. That the State Treasurer be, and he is hereby authorized and required to pay to John Mellaey of Bedford county, Robert Agnew of Allegheny county, Thomas Connelly of Green county, William Carnagey of Columbiana county, in the State of Ohio, Alexander Ewing of La Grange county, in the State of Indiana, George Horner of Washington county, in the State of Maryland, and Barbara Jacoby of Adams county, Ann Hunt of Fayette county, Maria Santee and Eliza Sideman of Northampton county, Rachael Hill of Lycoming county, Christeena Huffman of Westmoreland county, Polly Ingraham of Crawford county, Eve Catharine Martin of Lancaster city, soldiers and widows of soldiers of the Revolutionary and Indian Wars, on their respective orders forty dollars each immediately, Relief of soldiers and widows in Bedford, Allegheny, Greene, Columbiana, La-Grange, Adams, Fayette, Northampton, Lycoming, Westmoreland, Crawford, and Lancaster co's

as a gratuity, and an annuity of forty dollars each during life, to be paid half yearly, commencing on the first day of January, one thousand eight hundred and forty.

SECTION 4. That so much of the fourth section of the act of the twenty-first day of June, one thousand eight hundred and thirty-nine, an act entitled an act for the relief of William Moreland, and other soldiers and widows of soldiers of the Revolutionary and Indian Wars, as grants a gratuity of forty dollars to Job Pedant of Indiana county, be and the same is hereby repealed, and the State Treasurer is hereby authorized to pay the same to Job Pierce of Indiana county, the person intended by said act to receive the said gratuity, and that so much of the third section of the same as grants a pension and gratuity to William Hollingshead of Bedford county, be and the same is hereby repealed, and that the State Treasurer be, and is hereby authorized to pay James Hollingshead of Bedford county, or his order, forty dollars immediately as a gratuity, and an annuity of forty dollars during life, payable half yearly, commencing on the first day of January, one thousand eight hundred and thirty-nine.

WHEREAS, it is represented to this legislature, that in consequence of the returns to the Treasury office, of persons having been placed on the pension list, not being so explicit as they ought to have been, several mistakes occurred in directing county treasurers to pay annuities to persons not entitled to the same.

SECTION 5. That the State Treasurer be authorized and directed to allow credit to county treasurers for annuities paid by them to persons under the second section of act No. 28, passed the thirteenth day of March, one thousand eight hundred and thirty-nine; the sixth section of act No. 100, passed the twentieth day of May, one thousand eight hundred and thirty-nine; and the fourth section of act No. 150, passed the twenty-first day of June, one thousand eight hundred and thirty-nine.

SECTION 6. The State Treasurer is hereby authorized and required to pay to Catharine Tibbins of Huntingdon county, only daughter of Henry Tibbins, deceased, who was a Revolutionary soldier in Colonel Hazens regiment of the Pennsylvania line, or to her order the sum of two hundred dollars as full compensation for a tract of donation land, to which said Henry Tibbins, became entitled for services rendered during the revolutionary war.

SECTION 7. That the State Treasurer be and he is hereby authorized and required to pay the gratuity and annuity granted to Frederick Tressla of Franklin county, by the third section of the act of June, twenty-first, eighteen hundred and thirty-nine, entitled an act for the relief of William Moreland, and others, soldiers and widows of soldiers of the revolutionary and

Job Pedant of Indiana county repealed.

State Treasurer to pay Job Pierce of Indiana co.

Bedford co repealed. Relief of Bedford co.

Certain mistakes in payment of annuities rectified.

State Treasurer to correct mistakes.

Huntingdon county.

Compensation for donation land.

Franklin co. error.

Indian wars, to Frederick Tressler of Franklin county, for whom it was originally intended. Franklin co.
error correc'd.

SECTION 8. That the said State Treasurer be, and he is hereby authorized and required to pay to James Gordon of Butler county, or to his order, the sum of forty dollars as a gratuity in full for his military services. Butler co.

SECTION 9. That the State Treasurer be, and he hereby authorized and required to pay to Hannah Posten of Monroe county, a gratuity of forty dollars, as a gratuity in full for the military services of her husband, Charles Posten, the said pensions and gratuities to be paid in conformity with the existing laws. Monroe co.

SECTION 10. That the treasurer of Allegheny county be directed to pay Charles Brooke, a pensioner of the State of Pennsylvania, who was placed on the pension list last session, as being in Fayette county, whereas the said Brooke lives in the county of Allegheny. Allegheny co.

WM. HOPKINS,
Speaker of the House of Representatives.
EBEN'R. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 151.]

A N A C T

To authorize the administrators of the estate of Washington E. Pettit, to make and execute a deed to John Rutan, and to incorporate the town of Millsborough, in Washington county, into a borough.

WHEREAS, it appears that Washington E. Petit, deceased, late of the state of Ohio, in his lifetime sold to John Rutan a tract of land in Morris township, Washington county, Pennsylvania, and died, having made no provision for the fulfilment of the contract; *And whereas*, it appears that the said John Rutan has presented his petition to the court of Common Pleas, in and for the county of Washington, for leave to make proof of said contract, and that said court has adjudged the same suffi- Preamble.

cient but could not decree a specific performance, as the said administrators lived in another state ; ' Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:* ' That the administrators of Washington E. Pettit, deceased, late of the state of Ohio, be and are hereby

Adm'rs of W.
E. Pettit, to
execute deed
for land.

Proviso.

authorized and empowered to make and execute to John Rutan a deed for the land above described: *Provided*, That before the execution of the power hereby granted, the said Rutan shall have paid the purchase money for the same.

Millsborough
Wash. co. e-
rected into a
borough.

Boundaries.

SECTION 2. That the town of Millsborough in the county of Washington, and territory included within the following boundaries, to wit: commencing at low water mark in the Monongahela river, thence south seventy-eight and a half degrees, west forty-two perches ; thence south fourteen and three-fourths degrees, east five perches and two elevenths ; thence south seventy-three degrees, west seventy-one and seven tenths perches ; thence south eleven degrees, west one hundred and thirty-nine perches ; thence south twenty-one degrees, east forty-three and five-elevenths perches to low water in Ten Mile creek ; thence following low water mark in Ten Mile creek and the Monongahela river, three hundred and fifty-one and two elevenths perches, unto the place of beginning, are hereby erected into a borough which shall be called and styled the borough of Millsborough.

Style.

Annual elec-
tions, how,
when & where
held.

SECTION 3. That the inhabitants of said borough entitled to vote for members of the general assembly, having resided there- in one month immediately preceding the election, shall on the third Friday of March next, and annually thereafter, on the same day which now is or hereafter may be fixed by law for the election of constable and other township officers, within this commonwealth, meet at the school house in said borough, and then and there, between the hours of eight o'clock in the forenoon and seven o'clock in the afternoon, elect,

Burgess coun-
cil, assessors,
school direct's

by ballot, one of the citizens who shall be styled the bur- gess of said borough, and four other citizens to be styled the town council, one assessor and two assistant assessors of the county rates and levies, the necessary school directors as provided by law for a school district, and three auditors of the public accounts of the said borough, which election shall, in all respects, be conducted in the same manner as is provided for

Certificates of
electi'n where
filed.

the election of township officers within this commonwealth, except that the certificates of the election of burgess, town council, and auditors shall be filed among the records of the corporation: *And provided*, That in case of the death, resig-

Vacancy.

nation, removal, or refusal to accept of any of the said offices, the vacancy may be supplied by a new election, in all cases where by the existing laws there is not provision made for sup- plying vacancies by appointment: *And provided further*,

That for the first election to be held under this act, it shall be the duty of the supervisor of East Bethlehem township, or any one of them, to give notice and perform all the duties enjoined upon constables by the existing laws relative to township elections, and in case no election shall be held on the first day mentioned they shall appoint some other day and perform the said services; but previous to opening of such election, such of the citizens entitled to vote as aforesaid, as may be present at the time and place of opening the same, shall choose one judge and two inspectors and two clerks thereof, who shall be sworn or affirmed in the same manner as is provided by law for swearing or affirming election officers, and they shall perform the duties required of them by law relative to township elections.

SECTION 4. That the Burgess shall be president of the council, and shall have and exercise all the rights and privileges of a member thereof in every respect.

SECTION 5. That the burgess and town council shall meet on the first Monday next succeeding their election, in each year, and as often thereafter as occasion may require; three members shall constitute a quorum to do business, and the proceedings of a majority of a quorum, when there is one formed, shall be valid; they shall have power in the absence of the burgess to elect a president pro tem. who shall, in case of the death, resignation, refusal to accept, or to act, or inability of the burgess to attend, perform all and every duty enjoined on the burgess. The burgess or in his absence the president pro tem. shall have power to call special meetings of the council, but in all cases of special meetings personal notice shall be given to every member unless absent from the borough. The burgess and members of the town council shall, in all cases, continue to hold and exercise the duties of their respective offices until their successors shall be duly elected and qualified.

SECTION 6. That if any person duly elected burgess or member of the town council, and having received notice thereof, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, or having taken upon himself such duties, shall neglect to discharge the same according to law, every such person so refusing or neglecting shall, for every such offence, forfeit and pay the sum of ten dollars; and every other officer elected or appointed by virtue of this act or the by-laws or ordinances of the town council aforesaid, who shall refuse or neglect to take upon himself the execution of such office, or having accepted the same shall refuse or neglect to perform the duties thereof, shall for every such refusal or neglect pay a fine of not exceeding five dollars, at the discretion of the burgess, which fines and all other fines that may be incurred under this act or the by-laws or ordinances of the town council, shall be for the use of said corporation, and shall be recovered in the name

First election,
how, when, &
where held.

President.

Meetings an-
nually.

Quorum.

Prest. pro tem.

Penalty for
neglect or re-
fusal to dis-
charge duties
of office.

Fines, how
applied.

of the burgess and town council of the borough of Millsborough as debts of like amount are recoverable by law: *Provided*, That no person shall be compelled to serve more than one year in any term of three, and that the payment of a fine shall be equivalent to a service of one year in any office: *And provided further*, That nothing herein contained, shall be construed to exonerate any constable or other officer from the payment of any fine or penalty imposed by the existing laws, or that may hereafter be enacted for refusing to serve in such office,

SECTION 7. That the burgess shall take and subscribe an oath or affirmation before one of the judges of the court of Common Pleas, or a justice of the peace of the said county of Washington, to support the constitution of the United States and of the state of Pennsylvania, and an oath or affirmation to execute the office of burgess of the borough of Millsborough with fidelity, and when so qualified he shall administer an oath or affirmation to each of the members of the town council, high constable, town clerk, clerk of the market, if one shall be appointed, and such other officers as shall be appointed or elected under this act or any by-law or ordinance of said borough, before they shall enter upon the duties of their respective offices, which oath or affirmation so taken and subscribed shall be filed among the records of said corporation.

SECTION 8. That from and after the third Friday in March next, the burgess and town council duly elected, and their successors shall be one body politic and corporate, by the name and style of "the burgess and town council of the borough of Millsborough," and shall have perpetual succession; and the said burgess and town council and their successors, shall be capable in law to have, receive, hold, and possess goods, and chattles, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of two thousand dollars, and also to grant, sell, let, and assign the same, and shall be capable in law to sue and be sued, implead and be impleaded in any of the courts of law in this commonwealth, in all manner of actions whatever, and to have and to use one common seal, and the same from time to time, at their will, to change and alter.

SECTION 9. That the town council shall have power to pass and enact by-laws, rules, and regulation, and ordinances as they may determine necessary to promote the peace, good order and general welfare of the inhabitants, and well being of the said borough, and for the purpose of improving and keeping in good order the streets, lanes, alleys, public squares, and common grounds, land, wharfs, landings, or other property whatsoever, that has heretofore, at any time, been granted to the use of the citizens of Millsborough, or that may hereafter be granted to the use of the corporation; and for removing nuisances

and obstructions therefrom, and the same to alter, make anew, or annul, as the occasion may require, and also to assess, levy, and collect and appropriate such taxes as shall be necessary to carry their rules and ordinances into effect, and to make all necessary contracts and engagements. For the same purpose they shall have the same authority in obtaining materials for improving the streets, lanes, alleys, landings, wharfs, and public grounds as the supervisors of the highways within this commonwealth have, and for a neglect of their duty in keeping the same in good order, they may be proceeded against by indictment, in the court of Quarter Sessions of said county, and be subject to the like fines and penalties as the supervisors are for any neglect of duty in relation to keeping the highways in good order; they shall annually appoint a town clerk, treasurer, collector of taxes, clerk of the market, when necessary, and such other officers as they may deem expedient, and the same to remove at pleasure. The officers to be appointed by the council shall be allowed such compensation as the council may fix and agree on, but the members of the council themselves shall not be entitled to any compensation for their services as members of the town council; the council may remit any fines or penalties that may be incurred under this act, or any of the by-laws or ordinances, when, in their judgment, it may be proper so to do, except any fine or penalty that may be imposed upon them by the court of Quarter Sessions of the county for neglect of duty: *Provided*, No by-law, rule, regulation or ordinance of the said corporation shall be repugnant to the constitution and laws of the United States, or of this commonwealth, and that no person shall be subjected to any fine or punishment, for a violation of any by-law or ordinance of the said borough, after six days shall have expired after the promulgation thereof, by at least four copies of the same put at the most public places within the said borough, and signed by the president or president pro tem., and attested by the town clerk. It shall be the duty of the burgess to cause all the by-laws and ordinances of the town council to be carried into effect, and to do and perform all such other services as may be enjoined on him by the same.

SECTION 10. That it shall be the duty of the burgess to issue his warrant to the collector, as often as occasion may require, commanding him to collect the taxes assessed by the town council, a list or duplicate of which shall be made out and delivered to said collector, and to pay the same to the treasurer; and the said collector shall have the same power and authority in the collection of said taxes as the collectors of county rates and levies, and may be proceeded against in the same manner that county treasurers or county commissioners are authorized by law to proceed against the collectors of county taxes, when they neglect to collect or pay over the amount of

Taxes.

Contracts.

Improvements

Clerk, treasurer and other officers.

Compensat'n.

Remit fines.

Proviso.

Publication of ordinances,

Taxes how collected.

Proviso. taxes in their duplicates, according to law; *Provided*, That the town council may hear any complaint in relation to the assessment of the said taxes, and grant such relief as shall seem best, at any time, and also exonerate the collector from the payment of any tax that may be impracticable to collect, and in all cases of any tax assessed upon any vacant or unseated lot within said borough and the taxes remain unpaid, it shall be lawful for the collector to certify the same to the county commissioners of Washington county, in the same manner as supervisors of the roads are authorized by law to return road taxes on unseated lands, and the county treasurer shall in the like manner collect the said taxes, or sell and convey the lot or lots for the payment of the same, and pay the money out to the treasurer of the borough, common school, or to whatever it may belong.

Unseated lot.

Duty of town clerk. SECTION 11. That it shall be the duty of the town clerk to attend all meetings of the town council, when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the corporate seal and records of the corporation and be answerable for the same, and also for the faithful discharge of all the duties which may be enjoined upon him by this act, or of the acts of the corporation. He shall keep a fair journal of the proceedings of the council in a book to be provided for that purpose, and shall enter all by-laws and ordinances adopted by the council, in a separate book for that purpose, and, when signed by the president, shall attest the same. He shall keep a fair index to the same. He shall certify copies under the seal of the corporation, which copies of any book, paper, by-law, ordinance or proceeding of the council, when so certified and attested by the clerk, shall be good evidence of the thing certified. He shall deliver over to his successor the seal and all the books, papers and other things belonging to the corporation, and upon neglect or refusal so to do, upon demand made, he shall forfeit and pay a fine of not less than five dollars, and be accountable for all damages sustained by the corporation, to be recovered as like debts and damages are by law recoverable.

Duties of treasurer.

SECTION 12. That it shall be the duty of the treasurer to receive all moneys due to the corporation, whether for taxes, fines, donations, or in any other way, and to pay out the same on orders of the president or president pro tem.; he shall keep fair accounts of his receipts and payments, and settle his accounts with the auditors whenever they shall require the same to be done, and pay over all moneys or balances found in his hands, and deliver to his successors in office all books, papers, and accounts belonging to the corporation, or pertaining to his official duties, when demanded, for which he shall give bond to the burgess and town council with sureties therein as they may require.

SECTION 13. That no moneys shall be drawn from the Money how treasury but by authority of the council, on orders signed drawn from by the president thereof and attested by the clerk. It shall be treasury. the duty of the auditors to settle the accounts of the several offi- Duties of au- cers annually, and to cause a fair statement, showing the re- ditor. cepts into the treasury and how the same shall have been expended, to be published by the town clerk every year in the month of March, by setting up at least four copies thereof in the most public places within the borough.

SECTION 14. It shall and may be lawful for all persons entitled by law to vote for burgess and other officers of the borough of Millsborough, at the same time and place where they vote for borough officers, to elect two respectable citizens of said borough for constables, and return the names of the persons so Constable. elected to the next court of Quarter Sessions of the said county, one of whom shall be appointed constable of the said borough, in the like manner with the like powers and authority, and receive like fees, and be subject to regulation and penalties as are provided and contained in the laws now existing, or that may hereafter be passed, concerning constables within this commonwealth; and the said constable so appointed shall do and perform all the duties required to be done by the high constable of said borough, in pursuance of this act and of the by-laws and ordinances of said borough.

SECTION 15. That the territory within the limits of the said borough shall be a separate district for school purposes, and School dis't. for the levy and collection of county rates and taxes, and in all power, &c. other respects shall be separate from the township of East Bethlehem, in said county, and that all jurisdiction of the officers of said township from the third Friday of March next, shall cease, except so far as to collect any taxes that may then be due and owing to them from the inhabitants of said borough: *Provided*, That nothing herein contained shall be construed to effect the election district, as now formed, but that the township Proviso. of East Bethlehem, including the borough of Millsborough, shall be and remain an election district, the same as though this act had not been passed.

WM. HOPKINS,
Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 152.]

AN ACT

To incorporate the Lewisburg Academy, in Union county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the Academy now in full operation

Incorporated.

Name & style

Trustees.

Privileges & franchises.

in Lewisburg, in the county of Union, is hereby incorporated by the name, style and title of the Lewisburg Academy, under the direction of the following named persons as trustees, until the first election provided for by this act, to wit: Thomas Clingan, Alexander Graham, William Nesbit, William Wilson, Wm. Cameron, Jackson McFadden, Thomas Hays, John Nesbit and William Ludwick, who and their successors in office shall be and are hereby declared to be one body politic and corporate in law, by the name and style of the trustees of the Lewisburg Academy, and by the same name have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere, and shall be capable in law and equity to take and hold to them and their successors for the use of said academy, lands, goods, chattels and moneys of every kind whatsoever, by gift, grant, conveyance, devise or bequest from any person or persons whatsoever capable of making the same, and the same from time to time to sell, convey and dispose of for the use of said academy, and to erect or purchase such buildings as may be necessary, and to make, have and use a common seal, and the same to break or alter at pleasure, and in general to do all and singular the matters and things which shall be lawful for them to do for the well being of the said academy and the due managing the affairs thereof.

First election of Trustees, where and when and how held.

Who may vote.

SECTION 2. And the first election shall take place on the first Monday in June, one thousand eight hundred and forty, and on the same Monday, annually, thereafter in the town hall of the borough of Lewisburg, and said election shall commence at the hour of one o'clock, P. M. and continue until five o'clock in the afternoon, and shall be conducted by two managers, appointed by the qualified voters present at the time of commencing said election. No person shall be allowed to be a trustee or to vote unless he shall have subscribed and paid to the funds of said academy five dollars, and for every five dol-

lars so subscribed and paid, the person so subscribing and paying shall be entitled to one vote, as aforesaid, not in any instance to exceed ten votes; the vote shall be given by ballot, ^{Manner of} and each ticket labelled on the outside trustees of Lewisburg ^{voting.} Academy. At the first election nine trustees shall be elected, and shall be the trustees for the ensuing year, and until their successors are elected. The managers shall certify the result of the election to each person elected as soon as convenient after the election; the said trustees shall by lot divide them- ^{Classification} selves into three classes: the term of the first class to expire ^{of trustees.} in one year after their election, the second in two years, and that of the third in three years, and after the first election but three trustees shall be elected, annually; the board of trustees shall appoint one of their number president, yearly, and they shall have power to enact by-laws not inconsistent with the ^{By-laws.} constitution of the United States, or of this State; six of the trustees shall constitute a quorum, and in the absence of the president appoint one pro tempore; they shall also appoint a secretary and treasurer, yearly, subject to be removed when a ^{Officers.} majority of the board shall deem it necessary; the treasurer ^{Treasurer to} shall give a bond with surety, to be approved by a majority of ^{give bond.} the trustees, in a penal sum for double the estimated amount for the time being of the funds of the corporation, conditioned for the performance of the duties enjoined and the repayment of the moneys received by him.

SECTION 3. The treasurer shall receive and place all the ^{Duty of trea-} available funds of the institution at interest, under the direction ^{surer.} of the board of trustees, in such manner as may be most productive to the interests of the institution and the safety of its funds, subject to disbursement only to the order of the board, signed by the president and secretary, or by a majority of the trustees, and he shall keep fair accounts thereof, to be open at all reasonable times for the inspection of the contributors to the funds of said institution; *Provided*, Nothing in this act shall be so taken and construed as to enable more than one ^{Appropriation} academy in said county to draw the state appropriation under ^{limited.} the act of the twelfth of April, one thousand eight hundred and thirty-eight.

WM. HOPKINS,
Speaker of the House of Representatives.
EBEN'R. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 153.]

A FURTHER SUPPLEMENT

To the act entitled, "An act to incorporate the Summit coal company," passed the eighteenth day of March, Anno Domini, one thousand eight hundred and thirty-six.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same: That the time in which the "Summit Coal company," incorporated by the act to which this is a further supplement, is required to complete their rail road, is hereby extended to the first day of September, one thousand eight hundred and forty-four.

WM. HOPKINS,

Speaker of the House of Representatives,
EBEN^R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty,

DAVID R. PORTER.

[No. 154.]

A N A C T

To extend the charter of the Lancaster Bank.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same: That the charter of the Lancaster bank be and the same is hereby extended and declared to be in full force for ten years, from and after the first Wednesday in May, Anno Domini, one thousand eight hundred and forty-one; and all

Charter extended 10 years.

the rights, powers, privileges, and authorities which are or may be vested in the stockholders of the said bank, prior to or on the first Wednesday in May, Anno Domini, one thousand eight hundred and forty-one by virtue, of the said charter or of any law of this commonwealth, be and the same are hereby continued to and vested in the said stockholders and their assigns for the before mentioned ten years, and no longer, as fully and effectually to all intents and purposes, as at any time prior to the first Wednesday in May aforesaid, had held and enjoyed the same; subject nevertheless, to the provisions, restrictions, and regulations as are now in full force, or the legislature may at any time enact for regulating the banks of this commonwealth.

SECTION 2. The legislature hereby reserves the power to alter, revoke, or annul the charter of the said bank, whenever in their opinion, it may be injurious to the citizens of the commonwealth, in such manner, however, that no injustice shall be done to the corporators thereof.

WM. HOPKINS,
Speaker of the House of Representatives.
EBEN'R. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The sixteenth day of April, A. D. one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 155.]

A N A C T

To incorporate the Madison Academy at Abington Centre, in the county of Luzerne.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That there shall be and hereby is established at Abington Centre, in the county of Luzerne, an academy or public school for the education of youth in the English and other languages, and in the useful arts, sciences, and literature, by the name, style, and title of the Madison Academy, under and title.

Y

	the care and direction of nine trustees who, and their successors in office, shall be and are hereby declared to be one body politic and corporate, in deed and in law, by the name and style of the trustees of the Madison Academy, and by the same name
Privileges and franchises.	shall have perpetual succession and shall be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere, and shall be capable in law and equity to take and hold to them and their successors, for the use of said academy, land goods, chattles and moneys of every kind whatsoever, by gift, grant, conveyance, devise or bequest, from any person or persons whomsoever, capable of making the same, and the same from time to time to sell, convey, or dispose of for the use of said academy, and to erect such buildings as may be necessary and generally to do all and singular the matters and things which shall be lawful for them to do, for the well being of the said academy, and the due management and ordering of the affairs thereof.
First election of Trustees how, when & where held.	SECTION 2. And the first election of trustees shall take place on the first Saturday in February, in the year one thousand eight hundred and forty, and on the same Saturday thereafter annually, at the academy in said village of Abington Centre and said election shall commence at the hour of one o'clock P. M. and continue until five o'clock, P. M., and shall be conducted by two managers, who shall be appointed by a majority of the citizens qualified to vote, who may be present at the time of commencing said election. No person shall be allowed to be a trustee or to vote unless he be a citizen of said county and shall have subscribed and paid to the funds of said academy the sum of ten dollars. The votes shall be given by ballot, and at the first election each ticket shall be labeled on the outside "trustees of Madison academy," and shall contain the names of six persons and the six having the greatest number of votes, and being qualified according to the provisions of this act shall be the trustees for the ensuing year and until their successors are elected; the managers shall certify the result of the election to each person so elected. As soon as convenient after the election, the said trustees shall, by lot, divide themselves into three classes of two each; the term of office of the first class shall expire in one year after their election: that of the second in two years, and that of the third in three years, and after the first election but three trustees shall be elected annually. The board of trustees shall have power to fill vacancies, to appoint their president, who shall be one of the elected trustees, and they shall have power to enact such by-laws as may be necessary, not being inconsistent with the constitution and laws of the United States, or the constitution and laws of this commonwealth; and four of the said trustees shall constitute a quorum and a quorum may in the absence of the president appoint a president pro tempore. The president shall be appointed yearly
Who may vote.	
Manner of voting.	
Classification of trustees.	
Power of.	
By-laws.	

The said board of trustees shall appoint a secretary and treasurer yearly, but they shall have power to remove either when a majority of the board shall think it proper. The treasurer shall, before he commences the duties of his office, give a bond to said corporation, with one or more good sureties to be approved of by a majority of the managers, for a penal sum double the estimated amount for the time being of the funds of the corporation, conditioned for the performance of the duties enjoined and the repayment of moneys received by him.

SECTION 3. The treasurer shall receive and hold all moneys belonging to the institution, and pay the same only to the order of the board, signed by the president and secretary, or by a majority of the trustees; and he shall keep fair accounts thereof to be open at all seasonable hours, for the inspection of all persons who may have contributed to the funds of the said institution.

SECTION 4. Any and all property or money which may have heretofore been granted, or in any wise directed by the owner thereof, to be appropriated to the use of the institution hereby established, is hereby vested in said corporation.

SECTION 5. Andrew Bedford, Thomas Smith, John Miller, Norvell D. Green, Benjamin F. Bailey, Lemuel Stone, Rodman Sisson, Horatio W. Nichols, and Charles R. Garman are hereby appointed trustees of said corporation, until their successors be elected, with the same powers as are hereinbefore vested in the board of trustees hereafter to be elected.

SECTION 6. Nothing in this act or any other law of this commonwealth shall entitle the institution hereby incorporated, to receive the appropriation granted to female seminaries, and academies, by the fourth section of the act passed the twelfth day of April, one thousand eight hundred and thirty-eight, entitled a supplement to an act to consolidate and amend the several acts relative to a general system of education by common schools, passed the thirteenth day of June, eighteen hundred and thirty-six.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 156.]

A N A C T

To incorporate the Wrightsville Academy, in the county of York.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the association formed at Wrightsville, in county of York, under the articles hereinafter set forth, by the name and style of the Wrightsville Academy, shall be and hereby is enacted into a body corporate by the same name and style, and under the same articles, and by said name and style shall have perpetual succession, and be capable in law and equity to sue and be sued, to take and hold the stock which may be subscribed, and all property, real and personal, which may be granted and in any wise transferred to the said academy for the purpose of education, and the same to alien and dispose of, or to hold and use, for the purpose aforesaid; and the following articles of association shall regulate said corporation, the legislature reserving the right to alter or modify the same at pleasure.

ARTICLE I.

Name. The institution shall be called the Wrightsville Academy.

ARTICLE II.

Trustees. It shall be governed by seven trustees, who shall be elected from among the stockholders on the last Saturday in April, Anno Domini, one thousand eight hundred and forty, and annually thereafter, between the hours of one and six o'clock of said day, in the borough of Wrightsville.

ARTICLE III.

Names of trustees. Jacob Livergood, Jacob Bann, Abraham Harris, Joseph Wilson, Matthew Kerr, Gaylord L. Mare, and Robert W. Smith shall constitute a board of trustees till others shall be elected, and shall have power to receive subscriptions to the capital stock of the institution, in a book to be by them opened for that purpose, and the same to keep open until the shares of stock hereinafter mentioned shall be subscribed.

ARTICLE IV.

Power of. The board of trustees shall have power to fill vacancies, to appoint their president, who shall be one of the elected trust-

tees, and they shall have power to enact such by-laws as may ^{By-laws.} be necessary, not being inconsistent with the constitution and laws of the United States and of this commonwealth, and four of the said trustees shall constitute a quorum to transact business, and a majority of the quorum present shall be considered a majority of the trustees, and may in the absence of the president appoint a president pro tempore; the president shall be appointed yearly; the said board of trustees shall appoint a secretary and treasurer, yearly, but they shall have power ^{Power to remove.} to remove either when a majority of the board shall think it proper; the treasurer shall, before he commences the duties of his office, give a bond to said corporation with one or more ^{Treasurer give bond.} sureties to be approved by a majority of the trustees, for a penal sum double the estimated amount for the time being of the funds of the corporation, conditioned for the performance of the duties enjoined and the repayment of the moneys received by him, and the delivery of all the books and papers of the association which may be in his possession, to his successor in office.

ARTICLE V.

Three of the stockholders shall be appointed trustees, to ^{Title of lands} whom the title of the lands and buildings shall be made, with ^{&c. to whom} authority to sell or convey at the desire of the holders of ^{made,} two-thirds of the stock.

ARTICLE VI.

It shall be the duty of the treasurer to collect and disburse ^{Duty of treasurer.} all moneys belonging to the institution, keep a regular account of receipts and payments, and receive donations, but pay no moneys except to the order of the president of the board of trustees, countersigned by the secretary.

ARTICLE VII.

It shall be the duty of the secretary to keep minutes of the ^{Of Secretary.} proceedings of the board of trustees, notify the stockholders of special and stated meetings, and keep the books and accounts of the institution.

ARTICLE VIII.

The stock of this institution shall consist of thirty shares, ^{Capital stock} of twenty dollars each, with the privilege of increasing the ^{and increase.} number of shares so as not to exceed fifty, if a majority of the stockholders deem it advisable, payable at such time and in such manner as the trustees may order.

ARTICLE IX.

The secretary shall issue certificates to stockholders for as many shares as they may possess, upon their paying into the ^{Of certificates} treasury ten dollars upon each share, signed by himself and the president of the board of trustees.

ARTICLE X.

Transfer of stock. The stock shall be transferable only on the books of the institution, subject also to all arrearages at the time of said transfer.

ARTICLE XI.

Vote. Each stockholder shall be entitled to one vote for each share he or she may hold.

ARTICLE XII.

Of election of trustees. In elections of trustees those candidates who shall receive the greatest number of votes shall be considered duly chosen.

ARTICLE XIII.

Superintendent's duty of. A superintendent shall be selected from among the trustees, whose duty it shall be to examine into the progress of the scholars and enjoin more distinctly the necessary regulations of the institution by which the teacher is to be governed.

ARTICLE XIV.

Teacher. It shall be the duty of the trustees to engage the teachers, lease the room, attend examinations, and do all things necessary for the welfare of the institution; and it shall require the consent of a majority of the trustees to discharge a teacher.

ARTICLE XV.

Seal. The stockholders may cause to be made for their use one common seal, with such devices and inscriptions thereon as they may deem proper, and the same to alter, break or annul at their pleasure, and by and with which all deeds, certificates and acts of the association shall pass and be authenticated.

ARTICLE XVI.

By-laws, &c. to be recorded. All by-laws, ordinances and proceedings of the corporation shall be fairly and regularly entered into a book to be kept for that purpose, which proceedings shall be open for the inspection of the stockholders, at all seasonable hours, and no misnomer of the said corporation shall defeat or annul any right, grant, devise or bequest unto the same; *Provided*, The interest of the parties shall sufficiently appear on the face of the gift, grant, will or other writing, whereby any estate or other interest was intended to pass to the said corporation, nor shall any non-user of the rights, liberties, privileges, jurisdiction and authority hereby granted to the said corporation create or in any wise cause a forfeiture thereof.

ARTICLE XVII.

Consent of stockholders to amend. It shall require the consent of the holders of two-thirds of the stock to alter or amend this constitution.

SECTION 2. That the said corporation shall not be entitled to receive the annual appropriation made to academies, by the fourth section of an act, passed the twelfth day of April, one thousand eight hundred and thirty-eight, entitled a supplement

to an act to consolidate and amend the several acts relative to a general system of education by common schools, passed the thirteenth day of June, eighteen hundred and thirty-six. Not to receive annual appropriation.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 157.]

A N A C T

To incorporate the "Danville rail road company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Peter Baldy, William Donaldson, Dr. William H. Magill, John C. Boyd, E. Trego, Thomas Chambers, George A. Frick, Jacob Hibler, John C. Grier, Valentine Best, and John Moore, are hereby appointed commissioners, and they or any three of them, are authorized to open books at such times and places and upon such notice as they may deem expedient, for the purpose of receiving subscriptions to the capital stock of the company hereinafter directed to be incorporated; to keep open the said books until such a subscription to said capital stock is subscribed as may be necessary to its incorporation: *Provided*, That the same are not kept open longer than twelve months from the time of their first being opened; and if any of the said commissioners shall resign, neglect to act, be absent, or become legally incapacitated to act during the continuance of the duties devolved upon them by this act, others may be appointed in their stead by a majority of the persons named in this act. Commis'rs. to open books. Proviso.

SECTION 2. That the capital stock of said company shall be three hundred thousand dollars, in shares of fifty dollars each, and which said capital stock may be increased, if the exigencies of the company shall require it, by the said company, to any Capital stock \$300,000.

sum not exceeding six hundred thousand dollars ; and any incorporated company, city, or borough shall have authority to subscribe thereto, as fully as any individual, and such subscription and stock subscribed by any such incorporated body shall be represented at elections, and other acts of said company, by any president, mayor, chief officer thereof, or any agent duly authorized thereby, all which subscription may be required in instalments as the company may hereafter think proper.

When 500 shares are subscribed. SECTION 3. That as soon as five hundred shares are subscribed to the capital stock of said company, a majority of the commissioners named in this act shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each, and that five dollars has been paid on each share to the Governor of this commonwealth, and thereupon the Governor shall forthwith, by letters patent, under his hand and the seal of the commonwealth, erect and create the said subscribers, and such others as may thereafter subscribe to the capital stock of said company, and their assigns, into a body politic and corporate in deed and in law, by the name, style, and title of "the Danville rail road company ;" and by that name the said subscribers shall have perpetual succession, and besides all the proper and necessary incidents of a corporation, shall be capable of suing and being sued, of impleading and being impleaded in all courts of record ; of making, using, altering a common seal ; of ordaining, establishing, and enforcing all ordinances, regulations, and by-laws necessary, convenient, or proper for the conducting and governing the said corporation, and generally to do all and singular the matters and things lawfully appertaining to the due management and well ordering of the affairs thereof, and that said company shall have the power and right of purchasing, holding, selling, leasing, conveying, and encumbering by judgment, mortgage, or otherwise, all such estates real, personal, or mixed, as may be necessary and proper for the objects and purposes hereinafter set forth.

Letters patent to issue.

Name, style, and title.

Privileges and franchises.

Organization of company. SECTION 4. That a majority of the commissioners named in this act, and of such as shall have been substituted under the provisions thereof, shall, as soon as practicable after the reception of the letters patent from the Governor, give three or more weeks notice, in at least two of the newspapers in the county of Columbia, and such further notice as they may deem advisable, of a time and a place for the subscribers to the capital stock of said company to meet, and shall, at such time and place, proceed to hold an election by ballot, and appoint judges thereof, for the purpose of electing from the stockholders, a president and six managers for the management of the affairs of said company, a majority of whom shall be citizens of Columbia county, who shall continue in office until the day here-

To elect officers.

inafter fixed for the annual election, and until other officers are elected under the provisions hereinafter set forth.

SECTION 5. That it shall be the duty of the president and managers, as speedily as convenient, and from time to time, to make, alter and amend such by-laws, as they may deem proper for the management and regulation of said company, which shall be and continue from thence in force, until altered or abrogated by the general meeting of the stockholders. To make by-laws.

SECTION 6. That there shall be a general meeting of the stockholders of said company held in the borough of Danville, on the first Monday of August of each and every year, for the purpose of electing a president and managers thereof, and of revising, altering or abrogating any of the by-laws of said company, and of examining the affairs of said company, an exposition of which shall then be submitted to them by the president and managers thereof; of which meeting at least three weeks notice shall be given, by publication in such newspapers as said president and managers shall deem best calculated to give full and effectual information. Annual meeting of stockholders. To elect officers. To alter and repeal by-laws. Notice.

SECTION 7. That on all occasions wherein a vote of the stockholders of said company is to be taken, the number of votes to which each stockholder shall be entitled shall be according to the number of shares he, she, or they shall hold, in the proportions following: that is to say, for each share not exceeding two shares one vote; for every two shares above two and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; but no share or number of shares above one hundred as aforesaid, shall confer any additional right of voting, such shares to be held by the person voting bona fide in his own right, or as a husband, executor, administrator, guardian, trustee, or assignee; and that corporations may vote by their chief or other officer or agent duly appointed: *Provided always*, That no share of stock shall be entitled to a right suffrage, which shall not have been held by the person offering to vote, at least thirty days before the day of election; that no share of stock shall confer a right to vote, on which any arrearages shall be due and unpaid at the time of election; and that in all cases where votes shall be given by proxy the proxies shall have been obtained and bear date within thirty days of the time of the election. Ratio of votes. Who may vote. Proviso. Proxies.

SECTION 8. That the Danville rail road company hereby directed to be incorporated, as soon as the letters patent shall issue, directed by this act, shall be and they are hereby invested with all the rights, powers, and privileges necessary for the construction and repair of a rail road from the borough of Danville or its vicinity, to some suitable point or points on the Danville Of the locati'n and construc-tion of road.

and Pottsville rail road, and to connect with and join and intersect the same.

Authority to
enter upon
lands.

SECTION 9. That it shall be lawful for the said company, their officers, engineers, contractors, and agents to enter upon any lands for the purpose of exploring, surveying, and locating the route of said rail road or its branches, doing thereto no unnecessary damage, and when the route of said rail road or any of its branches shall be determined upon by the said company, it shall be lawful for said company, their agents, officers, engineers, contractors, and servants, at any time, to enter upon, take possession of, and use any such lands as may be necessary for carrying into effect the purposes of this act, and shall also have power to enter upon any lands adjoining or in the neighborhood of such route, and to take, dig, and carry away therefrom any stone, gravel, clay, sand, or earth necessary for the constructing, maintaining, and repairing said rail road and its branches, or for constructing any bridges, culverts, viaducts, and other buildings which may be required in carrying into effect the construction, maintaining, and repair of said rail road or any of its branches; for all which compensation shall be made to the owner or owners of any such lands and materials, as shall be agreed upon between the parties or as is hereinafter pointed out.

Damages and
mode of ascer-
taining the
same.

SECTION 10. Whenever it shall be necessary for the president and managers of the said rail road company, to enter in and upon and occupy, for the purpose of making said rail road, any land upon which the same may be located, if the owner or owners of said land shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury that may be done to such lands, by such entry and occupation, in such case, it shall and may be lawful for the parties to appoint six suitable and disinterested persons, to estimate such damage, who shall be under oath or affirmation, fairly and impartially to estimate the same, and shall reside within the proper county where the land lies, and expenses incurred by the said appraisers shall be defrayed by the said rail road company; but if the parties cannot agree upon such persons, or if the persons so chosen shall not decide upon the matter, or if either party shall refuse or neglect to join in such appointment, within twenty days after requisition for that purpose upon him made, or if such owner shall be feme covert, under age, non compos mentis, or out of the state, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, and at the cost and charges of said corporation, to appoint six disinterested persons of said county, to view, examine, and survey the said lands, tenements, or hereditaments, and estimate the injury or damage, if any in their apprehension will be sustained as aforesaid, by reason of said rail road, and report the same under

their oaths or affirmations to the said court, which report being confirmed by said court, judgment shall be entered thereon of the same force and effect as judgments upon common debts, and the said reviewers shall be entitled to the like fees for their services as are allowed by law to viewers of public roads and highways, to be paid by said company; and it shall be the duty of the appraisers, in estimating such injury or damage, to take into consideration the advantages that will be derived to the owner or owners of said lands from the said rail road: *Provided*, That either party may appeal to the court, within thirty days after such report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases; and upon the coming in of such report or inquiry and the confirmation thereof, or upon final judgment on appeal therefrom, and the said company paying to such owner the sums in such report or judgment specified, for injury sustained as aforesaid, they and all who acted under them shall be acquitted from all responsibility for and on account of such injury: *Provided*, That if the said company shall pay or tender the full amount of damages as awarded by said appraisers, or give good security on the same, to be approved of by the court of Common Pleas, of the county of Columbia, they shall have the right to enter upon and occupy and use said lands for the purposes aforesaid, being subject to the payment of any additional damages which may be hereafter adjudged against them.

Proviso.

Right of appeal.

2d Proviso.

SECTION 11. That the said rail road shall be so constructed by the said company, as not to obstruct or impede the free, use and passage of any public or private roads which they may find expedient to intersect, but it shall be the duty of said company to cause to be made sufficient bridges or causeways over any such roads so intersected, as soon as expedient, so as to enable all persons and vehicles to pass over the rail road with safety and convenience, and to maintain such causeways in good repair; and said company for the accommodation of all persons owning or possessing lands through which said rail road may pass, shall cause to be made good and sufficient bridges or causeways, at such convenient places as the owner or occupier may designate, so as to enable such owner or occupier and others, to pass over the same safely with wagons and other vehicles: *Provided always*, That the said company shall not be obliged to make more than one bridge or causeway, upon each plantation or lot of ground.

Not to obstruct public roads.

Causeways to be made.

Private causeways.

Proviso.

SECTION 12. That the said company shall permit at any time such bridges or causeways to be made across said rail road and its branches, at the intersection of any public or private road, as the reviewers laying out the same may deem expedient: *And provided*, The same are so made as not to impede or render inconvenient the passage of the cars and carriages upon said rail road, and the said rail road company shall also per-

Across private roads.

Proviso.

mit any owner of lands through which the said rail road or its branches may pass, to erect such bridges or causeways, as the court of Quarter Sessions of the county of Columbia, may adjudge convenient upon views and reviews, conducted as required by the general road laws of this commonwealth: *And provided*, The same are so constructed as not to impede or render inconvenient the passage of cars and carriages upon such rail road.

2d Proviso.

Power to regulate and superintend travelling and transportation

SECTION 13. That as any portion of said rail road is perfect-
ed, the company shall have power to place thereon cars car-
riages or wagons, constructed as they may deem best adapted
for the transportation of passengers and commodities to the ad-
vantage of the public, and shall permit individuals, to place
such cars and carriages or wagons thereon, of such construc-
tion and under such limitations and restrictions, as they may
deem proper; and the said company is hereby authorized to
charge and take toll for freight and transportation of passen-
gers, goods, wares, merchandize and commodities, at rates
as follows, viz: On all goods, produce, merchandize, prop-
erty, and commodities transported upon the said rail road
and its branches, any sum not exceeding four cents, per mile,
per ton, for toll, and three cents, per ton, per mile for transpor-
tation, and for the transportation of passengers, not exceeding
three cents per mile for each passenger.

Rates of toll.

Penalty for
injuring road.

SECTION 14. That any person or persons who shall wilfully
and maliciously, by any means injure or destroy, any part of
the rail road or its branches constructed by said company,
or any of the works, buildings, vehicles, machines, implements
or materials of said company, such person so offending, shall on
conviction thereof, be punished by fine and imprisonment, at
the discretion of the court of Quarter Sessions, of the county
jail of said county of Columbia, for any term not exceeding
three years.

Stockholders
not to transfer
stock or re-
ceive divid'ds
when indebted
to company.

SECTION 15. That no stockholder indebted to said company
shall be authorized to transfer his stock, or any part thereof, or
to receive any dividend or any portion thereof, until such debt
is discharged or secured satisfactorily.

Penalty for
neglect to pay
instalments.

SECTION 16. That if after thirty days notice in the public
papers, of the time and place appointed for the payment of any
instalment of the said capital stock, any stockholder shall ne-
glect to pay such instalment at the time and place appointed, for
the space of thirty days after the time so appointed, every such
stockholder or his assignee, shall, in addition to the instalment
so called for, pay legal interest thereon, from the time such in-
stalment was required to be paid, and if such stockholder shall
neglect the payment thereof for the space of ninety days, the
said company shall have the right to declare the said stock, and
all payments thereon forfeited to the company, and after such
declaration of forfeiture, the said stock and payments shall be

vested in said company, to be by said company, sold for the use of said company, or disposed thereof as said company shall deem advisable: *Provided always*, That the said company *Proviso.* shall have the power to use for and recover such instalment at their election.

SECTION 17. That the president and managers of said com- Dividends to
pany, shall annually, or semi-annually, declare and make such be declared,
dividend as they may deem proper, of the nett profits arising
from the resources of said company, after deducting the current
and probable contingent expenses, and they shall divide the
same amongst the proprietors of the stock of said company, in
proper proportions to their respective shares; that when the di- Over ten per
vidends exceed ten per cent per annum, the tolls shall be so cent. tolls to
reduced as to keep the per centage below that amount, and that be reduced.
an annual statement of accounts, under oath, shall be made to Annual state-
the legislature by the president or treasurer of the company : ment to legis-
lature.
Provided always, That until the completion of the main line *Proviso.*
of the said rail road, the said president and managers shall have
the power, if they deem it expedient, to apply the whole of the
profits aforesaid, to the construction and completion of said road:
And provided also, That no declaration of dividends shall be *2d Proviso.*
so made as to impair the capital stock of said company : *And*
provided further, That whenever the dividends shall exceed Capital stock
six per cent per annum, the said company shall pay a tax of not to be im-
eight per cent, on all such dividends above six per cent, into paired.
the treasury of this state, for the use of the commonwealth. Tax on divi-
dends.

SECTION 18. That the commissioners nominated in the first *Power of com-
missioners.*
section of this act, shall have the power to manage and conduct
the affairs of the company hereby incorporated, until the offi-
cers thereof shall be elected as directed in this act : *Provided*, *Proviso.*
That the said company shall not at any time, be directly, or in-
directly engaged in any banking, or commercial, or manufac-
turing concerns.

SECTION 19. That if the president, managers and company, Time of com-
shall not proceed to carry on said works within five years from mence-
the passage of this act, and shall not complete the same as afore- and complet'n
said in ten years, according to the true intent and meaning of
this act, or if after the completion of the said road, the said cor-
poration shall suffer the same to go to decay and be impassable
for the term of two years, then this charter shall become null
and void, except so far as compels said company to make repa-
ration for damages.

SECTION 20. That if the said company shall, at any time Misuse or
misuse or abuse any of the privileges hereby granted, the le- abuse of priv-
gislatre may resume all and singular the rights and privileges ileges.
hereby granted to the said company : *Provided*, That the state *Proviso.*
may at any time after the expiration of thirty years, have the Right of state
privilege of purchasing the entire interest and property of the to purchase.

said corporation, at a just and reasonable valuation, or appraisement to be made in such manner as may at any time hereafter be provided for by law.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY,

Speaker of the Senate.

APPROVED—The sixteenth day of April, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 158.]

A SUPPLEMENT

To an act incorporating the borough of Doylestown, in the county of Bucks, passed the sixteenth of April, Anno Domini, eighteen hundred and thirty-eight, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same :* That the corporate name, style and title of "the chief burgess, assistant burgess, and town council, of the borough of Doylestown, in the county of Bucks," as established by the act to which this is a supplement, is hereby changed to "the borough of Doylestown," by which name the corporation may sue and be sued, plead and be impleaded, have, hold, possess, exercise and enjoy all the rights, privileges and immunities which it possesses, holds, exercises and enjoys under the original corporate title; *Provided, however,* That such change shall not effect any contract or engagement heretofore entered into by or with said corporation.

Corporate
name chang'd

Style.

Proviso.

Annual elec-
tion.

Candidates
having equal
number of
votes to deter-
mine by lot.

SECTION 2. The election for chief burgess, assistant burgess, town council, and high constable of said borough shall hereafter be holden on the third Monday of April in each and every year, and if at any such election, any two or more candidates should have an equal number of votes, the preference shall be determined by lot, to be drawn by the two judges, in the presence of the inspector and clerks, immediately after counting off the votes. All meetings, appointments of officers, and other corporate business directed by the act to which this is a supplement, to be held and performed on the third Mon-

day in May, are hereby directed to be held and performed on the third Monday of April in each year.

SECTION 3. In case of vacancy in the office of high constable, by death, resignation, or otherwise, the precept for an election to fill such vacancy may be directed to the street commissioner, or to any citizen of the borough. Vacancy.

SECTION 4. It shall be the duty of the high constable, and all the officers appointed by the town council, to render their accounts to the said council once in every year, on the second Monday in April, which being settled and adjusted by the said council, shall be published by ten advertisements set up in the most public places in said borough, showing particularly the amount of taxes levied, fines collected, and all the receipts and expenditures which shall have been made. Accounts when rendered and published.

SECTION 5. No person shall be fined or punished for the breach of any ordinance of the corporation until ten days after the publication thereof, by at least ten advertisements set up in the most public places in said borough. And so much of the act to which this is a supplement, as relates to or provides for the publication or promulgation of the rules, by-laws, ordinances or accounts of the corporation is hereby repealed. Ordinances, &c. how published.

SECTION 6. The chief burgess of the said borough is hereby vested with all the power and authority of a justice of the peace in all criminal matters within the borough limits, and in case of his absence or inability to act, or in case of vacancy in the office, all the power and authority granted to the chief burgess, either by this act or the act to which it is a supplement, are hereby vested in the assistant burgess. Powers of Justice of Peace vested in burgesses.

SECTION 7. The town council shall have full power to lay such tax upon dogs within the borough as they may think expedient, the amount of which tax may be included in the borough duplicate, and collected with the borough tax. Dog tax.

SECTION 8. The inhabitants of said borough, and persons holding property therein, shall be competent witnesses in any action or plaint in which the borough may be a party, or which may arise under the by-laws or ordinances of the corporation. Who may be witnesses.

SECTION 9. So much of the act to which this a supplement as is herein altered or supplied is hereby repealed. Parts of former act repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 159.]

A N A C T

To incorporate the Mifflinburg Fire Company of Union County, and for other purposes.

Company established.	<p>SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same :</i> That all and every the persons who shall, at the time of the passing of this act, be members of the association, called the Mifflinburg Fire Company, and such as shall hereafter be associated with them, shall be, and they are hereby created and declared to be one body politic and corporate, by the name, style, and title of the Mifflinburg Fire Company, and by the same name shall sue and be sued, implead and be impleaded in all courts of record, or elsewhere ; and to purchase, receive, have, hold, and enjoy, to them and their successors, lands, tenements, rents, annuities, franchises, and hereditaments, goods, and chattles, of what nature, kind, or quality, soever, real, personal, or mixed, or choses in action, and the same, from time to time, to sell, grant, mortgage, alien, demise, lease, or dispose of: <i>Provided,</i> That the clear yearly value or income of the real and personal estate, of the said corporation, shall not exceed the sum of twenty-five hundred dollars ; and also to make and have a common seal, and the same to break, alter, and renew, at pleasure ; and also to ordain, establish, and put in execution such by-laws, ordinances, and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter, or the constitution and laws of the United States, or of this Commonwealth ; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering of the affairs thereof.</p>
Name.	
Liberties and franchises.	
Proviso.	
Income limited.	
Seal.	<p>SECTION 2. That the following shall be the fundamental articles of the said incorporation :</p>
By-laws.	
Object.	<p>ARTICLE 1. The object of this company shall be the promotion of the public good, by the extinguishment of fires.</p>
Funds.	<p>ARTICLE 2. The funds of the company shall be appropriated to no other object than those for which the association was instituted.</p>
Repealing clause.	<p>SECTION 3. The Legislature reserves the right to alter, amend, or annul this charter, at any time hereafter.</p>

same shall not, directly or indirectly, be considered as conferring any other privilege than as a fire company.

SECTION 4. That the fourth and fifth sections of the act entitled "An act authorizing the Commissioners of the county of Philadelphia, upon certain conditions, to widen, grade, and culvert a certain portion of Broad street, in said county, and for other purposes," passed the twenty-seventh day of March, one thousand eight hundred and thirty-nine," be repealed so far as respects the townships of Easttown and Tredyfrin, in the county of Chester, and that the inhabitants of said townships be and remain subject to all the regulations and provisions of the general road laws of this Commonwealth, so far as relate to the townships within the same.

SECTION 5. That James Sill and Eber Worthington, and Isaiah Fawkes, Commissioners appointed to grade the State road between Hamilton Village and West-Chester, be directed and authorized to complete the grading of said road, so far as the unexpended funds, now in their hands, will allow, and that the time for the settlement of their accounts be hereby extended to the first day of January, one thousand eight hundred and forty-one.

SECTION 6. That four hundred dollars of the appropriation by the Commonwealth, to the State road from Doylestown by Castle Valley bridge, and now remaining unexpended in the hands of William Field and Asher Cox, the Commissioners appointed to receive and expend the same, be and the same is hereby appropriated to the president and directors of the Ingham Female Seminary, to be appropriated towards defraying the expense of erecting a building for said seminary; and the said commissioners are hereby required to pay over the said amount to the said president and managers; and the receipt of the president and treasurer of said seminary, to said commissioners, for the amount thus specifically appropriated, shall be a full discharge and exoneration for such portion of the appropriation in their hands, and passed to their credit in the final settlement of their accounts, as is provided for in the act of assembly.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 160.]

A N A C T

To incorporate the President, Managers, and company, of the Loyalsock Gap Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* 'That Robert Porter, Robert Montgomery, Jeremiah Tallman, Jacob Hess, William Sedam, Abraham Updegraff, William Piatt, Jr., Charles Gudykuntz, and John Beyer, of the county of Lycoming, be, and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned: that is to say, they shall, on or before the first day of July next, procure two books, and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Loyalsock Gap turnpike road company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this Commonwealth, entitled 'An act to incorporate the president and managers of the Loyalsock Gap turnpike road company.' Witness our hands the day of , in the year of our Lord, one thousand eight hundred and forty;" and thereupon shall give notice in two public papers, printed in the county of Lycoming, for twenty days at least of the time and places, when and where the said books shall be opened to receive subscriptions for the stock of the said company; at which time and places one of the said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in said books in their own names, or in the names of any other persons who shall duly authorize the same for any number of shares of stock; and the said books shall be kept open respectively for the purposes aforesaid, at least six hours in every juridical day, for the space of five days, or until the said books shall have two hundred shares therein subscribed. And if at the expiration of the said five days, the books aforesaid shall not have the said number of two hundred shares therein subscribed, the commissioners respectively may adjourn from time to time, and transfer the said books from place to place, until the whole num-

Commission-
ers.To procure
books.Form of sub-
scription.

Notice.

Who may
subscribe.

200 shares.

Whole No.

ber of shares shall be subscribed: of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to two hundred, the same shall be closed: *Provided always*, That every person offering to subscribe in said books in his own, or any other name, shall previously pay to the attending commissioner or commissioners, the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription; and the remainder shall be paid to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

\$1, to be paid
on subscrib-
ing.

SECTION 2. When ten persons or more shall have subscribed fifty shares of the said stock, the said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each to the Governor of this Commonwealth; whereupon, it shall and may be lawful for the Governor, by letters patent, under his hand and seal of State, to create and erect the subscribers; and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style, and title of "The president and managers of the Loyalsock Gap Turnpike Road Company," and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same, from time to time, by new subscription, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking, and holding to them, their successors and assigns, and of selling, transferring, and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments, and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing every other matter and thing which a corporation or body politic may lawfully do.

Letters patent

Privileges and
franchises.

SECTION 3. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice in two public papers printed in the county of Lycoming, of a time and place by them to be appointed, not less than fifteen days from the publication of the first notice; at which time and place the said subscribers shall proceed to organize the said corporation; and shall choose by a majority of votes of the subscribers,

Organization.

by ballot to be delivered, in person or by proxy duly authorized, one president, five managers, and one treasurer, and such other officers as may be necessary to conduct the business of said company until the last Monday in December next, and until such other officers shall be chosen; and shall and may make such by-laws, orders, and regulations, not inconsistent with the constitution and laws of the United States, and of this Commonwealth, as shall be necessary for the well ordering the affairs of said company: *Provided always*, That no person shall have more than twelve votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number: *And provided also*, That no stockholder, whether the original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held at the time of such election shall have been fully paid and discharged.

By-laws.

Proviso.

Number of
votes limited.

Ratio.

Id, proviso.

Annual elec-
tion.

SECTION 4. The stockholders of the said company shall meet on the last Monday of December in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers, as aforesaid, for the ensuing year, in manner and form as shall be determined by the managers, in such manner and form as shall be prescribed by their by-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes in manner as aforesaid, all such by-laws, rules, orders and regulations made as aforesaid, and to do and perform any other corporate act.

Certificates of
stock.

SECTION 5. The said president and managers shall make out certificates of stock, signed by the president and countersigned by the treasurer, and sealed with the corporate seal, and deliver one certificate to each subscriber for any share or number of shares by him or her held, on him or her paying to the treasurer on each share so held the sum of one dollar, which certificate shall be transferable in person or by attorney, on the books of the said company, only subject to the sum due or to become due on the share or shares so transferred.

Transferable.

Right to enter
upon lands to
locate, &c.

SECTION 6. It shall be lawful for the said president and managers, their superintendents, surveyors, engineers, artists and chain bearers, to enter in and upon all and every the lands, tenements and inclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine the ground and quarries of stone and gravel, and other materials that may be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark and fix such route for said road as in the best of their judgment and skill, will combine shortness

of distance with the most eligible ground, beginning at or near George Porter's, thence through Loyalsock Gap to the line dividing Washington and Clinton township, at the junction of the state road leading to Muncy with the present road leading to Uniontown, through Loyalsock Gap to Williamsport, in Lycoming county.

SECTION 7. The said president and managers, five of whom shall for all purposes be a quorum, shall keep minutes of all their proceedings fairly entered in a book to be kept for that purpose, and shall have full power and authority to appoint, agree or contract with such engineers, superintendents, artists, laborers, and other persons as they may think necessary to make and construct said road, and collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares, in order to carry on their work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence by a majority of the managers, and attested by their secretary, and to do and transact all other acts, matters or things as by the by-laws, orders, and regulations of the said company shall be entrusted to them.

SECTION 8. If any stockholder, whether original subscriber or assignee, after twenty days notice in two newspapers printed in Lycoming county, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed, for the space of thirty days after the time appointed for the payment thereof, any such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment, and if the same and additional penalty shall become equal to the sum before paid in part, on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as may be obtained therefor, or in default of payment by any stockholder of such instalment as aforesaid, for the space of sixty days aforesaid, the president and managers may at their election cause suit to be brought, in the same manner as debts of like amount are now recoverable for the recovery of the same, together with the penalties aforesaid.

SECTION 9. It may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen, laborers, their tools and instruments, carts, wagons and other carriages, and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intentions to the occupiers thereof, and doing as little damage thereto as possible, and making amends for damages upon a

reasonable and equitable agreement by the parties, or if they cannot agree thereupon, a just and equitable assessment to be made upon oath or affirmation, by three disinterested freeholders, or any two of them, to be mutually chosen, or if either party, upon due notice shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace of the county wherein the land lies, who shall not be interested therein, and upon the tender of the assessed value, to dig and carry away any timber, stone, sand, earth or other materials necessary or suitable for making said road: *Provided*, That no part of this act shall authorize the taking of any property by said company unless the same be previously paid for, or adequate security given to the owners for the payment thereof.

SECTION 10. The said president and managers shall keep fair and just accounts, as well of all moneys received by them as of those paid out and expended in the prosecution of the work, and shall at least once in every year submit their books and accounts to a general meeting of the stockholders, and whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such an extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in like manner and under like penalties as are provided by this act, in the case of the original subscriptions.

SECTION 11. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said route, whenever the same shall be found necessary, and shall cause a road to be laid out not exceeding fifty feet in width, and shall cause at least eighteen feet of said width to be made an artificial road of wood, stone, gravel, or other proper and convenient materials, such as the nature of the ground may require, and will afford to be constructed in such manner as will admit an even surface, and so nearly level in its progress that it shall in no place raise or fall more than will form an angle of five and a half degrees from a horizontal line: *Provided*, That if in the opinion of the said president and managers, any part of the ground on the route of said road shall be so hard and compact as to make a good road without any covering of wood, gravel, stone, slate or other hard substance, the said president and managers are hereby authorized to construct such part of said road without any such covering, and shall forever thereafter maintain and keep the same in good order and repair.

SECTION 12. Whenever the said company shall have finish-

ed five miles or more of road, the president thereof may give notice to the Governor, who shall thereupon, forthwith, appoint three skilful, judicious and disinterested persons to view and examine the same, report on oath or affirmation to him, ^{Viewers.} whether the said road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act, and if this report shall be in the affirmative, then the Governor shall, by license, under his hand and the ^{License to col-} seal of the state, permit and suffer said company to erect and ^{lect tolls.} fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect from all persons otherwise than on foot, the same tolls as are hereinafter authorized and granted.

SECTION 13. When the said company is licensed, in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from all and every person and persons using the said road the toll and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, hogs, sheep, coach, coachee, sulkey, chair, chaise, phaeton, cart, waggon, train, sleigh, sled, or any other carriage of burden or pleasure, from passing through the said turnpikes until they shall respectively have paid the same, that is to say: for every four miles in length of the said road completed and licensed, as aforesaid, the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number, of sheep, cattle, or hogs, to wit: For every score of hogs, six cents; for every score of cattle, twelve cents; for every horse and his rider, or led horse, five cents; for every sulkey, chair, or chaise, with one horse and two wheels, eight cents, and with two horses, ten cents; for every chariot, coach, phaeton or dearborn with one horse and four wheels, ten cents; for every coach, chariot, phaeton or chaise with two horses and four wheels, fifteen cents; for either of the carriages last mentioned with four horses, twenty-five cents; for every other carriage of pleasure, under whatever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every stage waggon with two horses, twelve cents; and for every such waggon with four horses, twenty cents, for every sleigh, four cents, for each horse drawing the same; and for every sled, three cents for each horse drawing the same; for every cart or wagon, whose wheels shall not exceed four inches, six and a quarter cents for each horse drawing the same; and for every cart or waggon whose wheels shall exceed four inches and not exceed seven inches, four cents for every horse drawing the same; for every cart or waggon the breadth of whose wheels shall be more than seven inches, three cents for every horse drawing the same. And if any person or persons shall represent to the said company, or ^{Toll gather-}ing.

any of their officers, that he, she or they have travelled a less distance than he, she or they have actually travelled along said road, with intent to defraud said company of its toll, or any part thereof, such person or persons shall for every such offence forfeit and pay to the use of said company the sum of five dollars ; and if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded shall have travelled along said turnpike road, or shall demand and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of five dollars for every such offence, to the supervisors of the township in which the forfeiture is incurred, to be expended in repairing township roads, and for the payment of which the said company shall be responsible.

Penalty for
defrauding
the company.

Penalty for
extorting un-
lawful tolls.

Road when
out of repair.
Proceedings.

Powers of
justice peace.

Inquisition.

Justice to
certify pro-
ceedings to
court.

SECTION 14. If the said company shall neglect to keep the said road in good travelling order and repair for the space of thirty days, and information thereof shall be given to any justice of the neighborhood within the county where the repairs ought to be made, such justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time in said precept, to be mentioned at the place in said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, within the said county, and the said justice shall at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road or any part thereof is in such good travelling order and repair, as aforesaid, and shall cause an inquisition to be made under the hands of himself and a majority of the said persons, and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates, between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpike or gates shall cease to be demanded, paid, or collected, until the said defective part or parts of the said road shall be put in good travelling order and repair, as aforesaid ; and if the same shall not be so put in good travelling order and repair before the next general court of Quarter Sessions of the peace, to be held for the county in which the defect is proved to be, the aforesaid justice shall certify and send a copy of the inquisition aforesaid to the judges of the said court, and the said judges shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon as in cases of supervisors of highways for neglect of their duty, and if the

person or persons, entrusted by the said company, as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglect as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties, and the fines and penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

SECTION 15. If any person or persons whosoever, owning, riding in, or driving any sulkey, chair or chaise, phaeton, cart, waggon, sleigh, sled, or other carriage of burden or pleasure, riding or leading any horse, mule, mare or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gates or bars, or along, or over any gates or private bars, or along or over any private passage, way, or other ground, near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall with such intent take off or cause to be taken off any horse, mare or gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, waggon, sleigh, sled, or other carriage of burden or pleasure, or practice any other fraudulent means or device with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons in all or every or any of the ways or manners offending, shall for every such offence respectively forfeit and pay to the president and managers of the Loyalsock turnpike road any sum not exceeding ten dollars, to be sued for and recovered with costs of suit before any justice of the peace, in like manner and subject to the same rules and regulations as debts of a similar amount are by law sued for and recovered.

Penalty for
evading pay-
ment tolls

SECTION 16. If the said company shall not proceed to carry on the said work within three years after the passage of this act, or shall not within six years afterwards complete the same, according to the true intent and meaning of this act, then, or in either of those cases all and singular, the rights, liberties, privileges and franchises hereby granted shall revert to the commonwealth.

Commence-
ment limited.

WM. HOPKINS,
Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 161.]

A N A C T

Relating to Executions, and for other purposes.

Transfer of
judgments
from courts.

How effected.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That in addition to the remedies now provided by law, hereafter any judgments, in any district court, or court of common pleas in Pennsylvania, may be transferred from the court in which they are entered, to any other district court, or court of common pleas in this Commonwealth, by filing of record in said other court, a certified copy of the whole record in the case; and any prothonotary receiving such certified copy of record, in any case in which judgment has been entered by another court, or in another court, by transcript from justices of the peace, shall file the same, and forthwith transcribe the docket entry thereof, into his own docket, and the case may then be proceeded in, and the judgments and costs collected by executions, bill of discovery, or attachment, as prescribed by the act entitled "An act relating to executions," passed the sixteenth day of June, one thousand eight hundred and thirty-six;" and as to lien, revivals, executions, and so forth, it shall have the same force and effect, and no other, as if the judgment had been entered, or the transcript been originally filed in the same court to which it may thus be transferred.

Preamble.

WHEREAS, it has been the practice in many counties of this Commonwealth for sheriffs and coroners to sell real property after the return days of their writs; which sales, if made after a certain return day had expired, have been solemnly decided by the supreme court to be invalid.

2d. preamble.

AND WHEREAS, the postponement of sale of such property was, for the most part, induced for the benefit of the debtor, and often by his own procurement, and no objection taken to the regularity of the proceeding when the sale was returned to the respective courts; and the deed submitted for acknowledgment, and by reason of such acquiescence, bona fide purchasers, their heirs or assigns, have been induced to make extensive and valuable improvements; and it appears just, that such sales, bona fide made, should be held good and valid. Therefore,

SECTION 2. That all sales of real property within this Com-

monwealth, heretofore made by the sheriffs or coroners after return days of their several writs of *levari facias*, *fieri facias*, or *venditioni exponas*, shall not, on account of such irregularity in proceeding, be invalidated or set aside, but the same shall be held as good and valid, to all intents and purposes, as though the sale had been made on or before the return day of said writs. Sales of Sheriff. After return days valid.

WHEREAS, it has been the practice in many counties of this state, for the justice or other officer taking a deposition under rules of court, to write out the testimony from the statement of the witness, and cause the same to be sworn to after it has been so prepared: *And whereas*, it has been decided by the Supreme court, that depositions so taken are illegally taken and cannot be read in evidence: *And whereas*, the rejection of deposition so taken in many suits now pending would injuriously affect the rights of the parties, and render many titles to property insecure: Therefore to remedy the same, Preamble.

SECTION 3. That no deposition heretofore otherwise legally taken under authority of law shall be rejected, on account of the same having been sworn to by the witness, after it was reduced to writing, but every such deposition shall be read in evidence, in the same manner as if the witness had been duly sworn before his examination, and before his testimony was written down. Certain depositions legalized.

WHEREAS, difficulties have occurred relative to the construction of the thirteenth section of the act, passed the second day of July, 1839, entitled an act relating to the elections of this commonwealth: Therefore, Preamble.

SECTION 4. That the thirteenth section of the act, passed July 2nd, 1839, entitled an act relating to the elections of this commonwealth, shall not be so construed as to prevent any militia officer or borough officer from serving as judge, inspector or clerk, at any general or special election, in this commonwealth. Defining election law.

SECTION 5. That it shall be lawful for the president judges of the first and twelfth Judicial Districts, to hold alternately, or at such times as may be mutually agreed upon between them, all special courts required to be held in the county of Chester, in consequence of the president judge of the fifteenth judicial district having been, when at the bar, concerned as counsel in many causes pending in the courts of the said county of Chester; the said causes not already certified, to be as heretofore certified to the president judge of the first judicial district. President judges of 1st and 12th districts may exchange seats in certain cases.

SECTION 6. That no person shall be excluded from being a witness or juror in any suit, prosecution or proceeding, in which any county, city, incorporated district, borough or township is a party, or is interested by reason of such person being or having been an officer, rated citizen or inhabitant in Citizens of boroughs &c. competent witnesses, jurors, &c.

such county, city, district, borough or township, or owning assessed or taxable property, or being liable to the assessment or payment of any tax therein.

Recorders authorized to take acknowledgments of deeds, &c.

SECTION 7. That the recorders of deeds should have authority to take the acknowledgment and proof of the execution of any deed, mortgage, or other conveyance of any lands, tenements, or hereditaments lying or being in the county, for which they are respectively appointed as recorders of deeds, or within every city, district, or part thereof, or for any contract, letter of attorney, or any other writing, under seal, to be used or recorded within their respective counties; and such acknowledgment or proof, taken or made in the manner directed by the laws of this State, and certified by the said recorder, under his hand and seal of office; which certificate shall be endorsed or annexed to said deed or instrument aforesaid, shall have the same force and effect, and be as good and available in law, for all purposes, as if the same had been made or taken before any judge of the supreme court, or president or associate judge of any of the courts of common pleas within this Commonwealth.

Mechanics Lien law extended to Wayne and Fayette counties.

SECTION 8. That from and after the passage of this act, the act entitled "An act relating to the lien of mechanics, and others upon buildings," passed the sixteenth day of June, one thousand eight hundred and thirty-six," shall be, and the same is hereby extended and declared to be in full force and operation in the counties of Wayne and Fayette; and mechanics and others in said counties, shall have like remedy under the said act, as though it was herein enacted at full length.

Commissioners of incorporated districts Philadelphia county, authorized to file lien for pitching and improving streets, &c.

SECTION 9. That it shall and may be lawful for the commissioners and inhabitants of the district of Southwark, and also, for the commissioners and inhabitants of any of the other incorporated districts and townships within the county of Philadelphia, to file of record in the office of the Prothonotary of the court of Common Pleas for the county of Philadelphia, and also in the office of the Prothonotary of the district court, for the city and county of Philadelphia, all claims and demands due to the said commissioners and inhabitants of any of the said incorporated districts or townships, for pitching and paving streets and alleys, for digging down, filling up and for curbing, paving and repairing any footway within the same; and also for building culverts and laying down iron pipes, within the same, and also to file and enter in the offices aforesaid, all amounts for taxes, rates and levies imposed or assessed by the commissioners of any of the said incorporated districts or townships, now remaining due and unpaid, or which may hereafter be levied, assessed or imposed, and which may hereafter become due and unpaid: *Provided*, That whenever the amount of the claim filed shall not exceed the sum of one hundred dollars, it shall be filed in the office of the Prothonotary

of the court of Common Pleas, and whenever it exceeds that sum, in the office of the Prothonotary of the District court, for the city and county of Philadelphia.

SECTION 10. The said commissioners and inhabitants of the district of Southwark, and also, the commissioners and inhabitants of any of the other incorporated districts and townships, within the county of Philadelphia, shall in filing their claims for debts contracted as aforesaid, and remaining due and unpaid, set forth in the same, the name of the owner or reputed owner of the premises against which their claims are filed, and as nearly as may be an accurate description of the real estate against which the same is filed, and where the said estate is situate, which said claim shall be and remain a lien against the estate, from the time when the debt was contracted, and became due to the said commissioners and inhabitants of the incorporated districts and townships, and until the same be fully paid and satisfied; and the said commissioners and inhabitants shall be authorized and empowered, at any time after the filing of the claim, to proceed to recover the amount thereof by writ of *scire facias*, against the real estate upon which it is a lien, which said writ of *scire facias*, shall be served and proceeded upon to judgment and execution, in the same manner as is now provided for by law, for mechanics and material men, in the act of Assembly of this commonwealth, passed the 16th day of June, Anno Domini, one thousand eight hundred and thirty-six, entitled "an act relating to the lien of mechanics' and others upon buildings:" *Provided*, That no property owned by minors, shall be sold under the provisions of this act, until the expiration of two years from the time the said minor shall have become of age.

Owner of premises to be named in claim.

Description of premises.

Recoverable Scire Facias

Proviso.

SECTION 11. That so much of the third section of the act of Assembly of first of April, 1834, entitled "an act to provide for the incorporation of boroughs, as requires applications for the incorporation of boroughs to be laid before the Grand Jury," be and the same is hereby repealed, as respects Philadelphia county. And the court of Quarter Sessions of the said county, is hereby authorized to appoint a Jury of six citizens of the said county, to perform all the duties, which are enjoined on the Grand Jury, by the act of Assembly aforesaid.

Certain duties of Grand jury of Phila. co. transferred to special jury.

SECTION 12 That James Ronaldson, Thomas Fisher, Pierce Butler, Thomas Gilpin, Peter Wright, and James M. Broome be, and they and their successors are hereby made and created a body politic in law, under the name and title of the Fairmount Cemetery company of Philadelphia; and by that name shall have perpetual succession, and be able and capable in law to have and use a common seal, to sue and be sued, implead and be impleaded in all courts of law and equity, and to do all such other things as are incident to a corporation.

Corporators.

Fairmount Cemetery co. established.

SECTION 13. That the said corporators shall at least once

Vacancies how filled.	in every year hereafter fill by election, by ballot, all vacancies which may occur among them, and may at the same time or at other times increase and add to their number from those
Members limited.	who may be lot holders in the cemetery, so that the said company shall never be reduced to less than ten nor exceed forty
By-laws.	members, and they shall have full power to ordain, establish and put in execution all such by-laws, rules and regulations, not contrary to the constitution and laws of the United States or of this State, which may be necessary for the proper government of this corporation, its officers and affairs, and until the election of managers, shall exercise all the powers thereof.
Managers. President,&c.	SECTION 14. That the said corporators shall, at least once in every year, elect from their number seven managers one of whom shall be designated as president, and a secretary and treasurer, who shall make a report of their proceedings and a statement of their finances at the annual meetings of the corporators, and as much oftener as may be required by a majority of them the said corporators.
To purchase land.	SECTION 15. That the said corporators or managers shall have power to contract for and purchase from the owner or owners thereof forty acres of the ground in Penn township, in
Location.	said county, known as the cliffs, or adjoining ground, not exceeding in the whole said space; and the same to lay out and
Ornament&c.	ornament, and to divide and arrange into suitable plats and burial lots, remove or alter old and erect new buildings, and to do all other things proper and necessary to be done to adapt
How disposed of.	the said ground for the purpose of a cemetery; and to sell and dispose of said plats and burial lots in fee simple or otherwise, for the purpose of sepulture to individuals, societies or congregations, without distinction or regard as to sect, under such conditions, rules and regulations as the said corporators or managers may establish for the government of lot holders, visitors to the cemetery, and burial of the dead.
Officers and compensation	SECTION 16. That the said managers shall have power to appoint all other officers, agents and workmen which may be needful, and fix their compensation or wages, and the same to discharge at pleasure, to take from the treasurer security for the faithful performance of his trusts, and to discharge him from his office upon occasion therefor, and they the said managers shall keep fair minutes of all their acts and doings.
Personal prop- erty.	SECTION 17. That the said company shall be capable of holding so much personal property as may be necessary for the purpose of this incorporation, and it shall be the duty of
Fund perpetu- al.	the managers, out of the proceeds of sale of burial lots, to create a fund to be invested in groundrents or mortgages; the income whereof shall be of adequate amount, and applied as may be necessary for the improvement and perpetual maintenance of the cemetery in proper order and security; and at least ten per cent. of the purchase money of all burial lots

sold shall be set aside for said improvements, and the creation of said perpetual fund; and any failure in the duties aforesaid shall subject said managers or corporation to the control of the competent judicial authority for correction.

WHEREAS, it appears, by deed of trust executed the second of November, Anno Domini, one thousand eight hundred and thirty-three, Jacob Mitchel, of the city of Philadelphia, conveyed certain grounds, therein specified, to Ezra Styles Ely and Joseph B. Mitchel, in trust, for certain uses therein specified, reserving the power to lease said real estate, and to receive the rents of the same, and to collect the dividends, income, and interest of the said personal estate, and to use the same for his own proper use during the life of the said Jacob: *And whereas*, a portion of the ground thus conveyed yields no income, the annual ground rents exceeding any rent that can be had for the same; Therefore,

Preamble.

SECTION 18. That the said Jacob Mitchel be, and is hereby authorized and empowered to grant and convey in fee, any ground contained in said deed of trust, reserving, as the entire consideration thereof, a ground rent or rents, payable semi-annually, and irredeemable during the natural life of the said Jacob Mitchel: *Provided*, That the rents and profits of the same be applied to the uses and trusts, as specified in said deed, and be subject to all the provisions contained therein.

Jacob Mitchel, to convey certain ground, &c.

SECTION 19. That Harriet Coleman, guardian of the persons and estates of Robert Dawson, Sarah Ann and Harriet Coleman, minor children of James Coleman, late of Elizabeth Furnace, Lancaster county, deceased, be and she is hereby authorized and empowered, (as such said guardian of said minor children,) to purchase and receive conveyance for any and all such lands and real estate, as shall and may be requisite, necessary, and beneficial for the carrying on of Elizabeth Furnace and Martick Forges, in the county of Lancaster, late the property of the said James Coleman, deceased, and now belonging to his said minor children; and at any time afterwards, when it may be deemed proper and beneficial to the interest of said minors, to sell and convey such said lands and real estate, or any part or parts thereof, so purchased, as aforesaid, by her, as guardian of said minors: *Provided*, That the said Harriet Coleman, as such said guardian of said minors, shall, before making any such said purchase or purchases, sale or sales, as is or are hereinbefore authorized to be made by her as such said guardian, give such security as the orphans' court of Lancaster county shall direct, for the faithful execution of the power committed to her by virtue of this act, as such said guardian, and for the due and proper application, according to law, of such said purchase or purchases, and the proceeds of such said sale or sales, so to be made.

Guardian of the persons and estates of Robert Dawson, Sarah Ann and Harriet Coleman, to purchase, &c.

May sell and convey, &c.

Proviso.

Commissioners of Indiana county to sell certain property. SECTION 20. That William Smith, Philip Rice, and James Rhea, commissioners of Indiana county, or their successors, be and they are hereby authorized and empowered to sell and convey by deed, in fee simple, the lot of ground, on which the old goal of said county is erected, together with all the buildings and appurtenances thereto belonging, at public sale, to the highest and best bidder, after giving the usual notice of the time and place of such sale; and the said commissioners shall pay the nett proceeds of such sale into the county treasury, for the use of said county: *Provided*, That such sale shall not be made until the new goal, now erecting for the said county of Indiana, shall be completed and ready to be occupied for the purposes for which it is intended.

Proviso.

State appropriations to House of Refuge.

Philada. co. appropriation to House of Refuge.

Proviso

Appropriation when to cease.

Commissioners of state road from Isaac Hall's to Maryland line to review and correct certain errors and omissions.

SECTION 21. That the Governor be, and he is hereby authorized to draw his warrant on the State Treasurer, in favor Anno Domini, one thousand eight hundred and forty-one, of the treasurer of the house of refuge, on the first Monday of April, and on the same day every year thereafter for five years, for the sum of five thousand dollars, to be paid out of any moneys in the treasury not otherwise appropriated: and the commissioners of the county of Philadelphia, are hereby authorized and required to draw their warrant on the treasurer of the said county; in favor of the treasurer of the house of refuge, on the first Monday of April, Anno Domini, one thousand eight hundred and forty-one, and on the same day every year thereafter for five years, for the sum of nine thousand dollars, which said sum of fourteen thousand dollars per annum shall be applied by the managers of the said house of refuge, exclusively to the purposes of that institution: *Provided*, That the said annual payment shall cease and determine from and after the first Monday of April, next ensuing, the time when said house of refuge become seized and possessed of the property and estate, bequeathed to them by the late Frederick Kohne, should they so become seized and possessed of the same prior to the first Monday in April, one thousand eight hundred and forty-six.

SECTION 22. That Joel Evans and James Ogden, two of the commissioners, residing in Delaware county, appointed by the act of assembly, passed the twenty fifth of May, one thousand eight hundred and thirty-six, to view, lay out and mark out a state road, beginning in the road leading from the city of Philadelphia to Chadd's Ford, or near Isaac Hall's, in Nether Providence township, Delaware county, thence by Chadd's Ford and New London Cross roads to the Maryland line, in Chester county, be hereby authorized and empowered, to review, lay out and mark that part of the said road which passes through the land of Cyrus Baker, and Mark Pennell, in the township of Aster, in Delaware county, and correct an error or omission of about ten chains in setting out

the true distance of the road at said point, and shall make report and a draft thereof, giving the true distance of said part of the road, and upon said report or draft being filed in the office of the clerk of the court of Quarter Sessions of Delaware county, by the said commissioners, the same shall be directed to be of record, and the road to be opened agreeably to the provisions of the said act of the twenty-fifth day of May, one thousand eight hundred and thirty-six. Draft.

SECTION 23. That that part of the enrolled militia of the sixth company of the nineteenth regiment, second brigade, fifth division, Pennsylvania militia, residing west and north west of the York and Carlisle road, from the Conewago bridge to the Friend's road, at the Cross roads school house, and of the said Friend's road to its intersection with Lantz's mill road, and of said mill road to the Monaghan township line, in the county of York, together with the second, ninth and tenth companies of the regiment aforesaid, be and hereby are constituted a third battalion in said regiment, under the command of the regimental officers of said regiment, and shall be entitled to elect one major; and the brigade inspector shall hold an election in the borough of Dillsburg, on the third Saturday of April, one thousand eight hundred and forty, for the election of said major, agreeably to the provisions of the fourteenth section of the act, entitled an act for the regulation of the militia of this commonwealth, passed the second day of April, Anno Domini, one thousand eight hundred and twenty-two, and that the majors of the battalions in which the fractions of the sixth company aforesaid shall reside, shall hold an election on the fourth Saturday of April, one thousand eight hundred and forty, for company officers of said fractions, and that so much of the sixth company aforesaid, as is placed within the bounds of the third battalion, be styled the twelfth company of said regiment, and that the militia law so far as it limits said regiment to two battalions, is hereby repealed. Part of 90th regt. 2d brigade P. Militia, constituted a 3d battalion.

WM. HOPKINS,

Speaker of the House of Representatives,

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The sixteenth day of April, eighteen hundred and forty,

DAVID R. PORTER.

[No. 162.]

A FURTHER SUPPLEMENT

To the act entitled, "an act to incorporate the Norristown Insurance Company, of Montgomery county," passed the eleventh day of March, one thousand eight hundred and thirty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Joseph Thomas, Adam Slemmer, William H. Slingluff, John B. Sterigere, George Rundle, William Miller, James Wells, Jacob Fry, junior, George Reichard, George W. Holstein, John Freedly, George H. Pawling, Henry Scheetz, Dr. James Anderson, Henry Longaker, Matthew Roberts, John Boyer, Bernard McCreedy, Samuel Jemison, Jacob Spang, Joseph Fornance, Levi Roberts, Mordecai R. Moore, Henry Kerr, James Hooven, Jacob Freedley, George W. Thomas, George W. Roberts, William Z. Matheys, Benjamin F. Hancock, Philip Hahn, Dr. Henry D. W. Pawling, John Jacobs, Isaac H. Miller, Jacob Bodey, William Henry, be and they are hereby appointed commissioners, in the place of the persons named in the first section of the act to which this is a further supplement, who, or any six of them, shall do and perform the duties mentioned in said section as therein directed; and when the said commissioners shall have certified to the Governor, as directed by the second section of said act, the Governor shall thereupon, by letters

Comms.

Letters patent

Name style
and title.Privileges and
franchises.

patent under his hand and the seal of the state, erect and create the subscribers into one body corporate and politic, in deed and in law, by the name, style and title of the "Norristown Insurance and Water Company," by which name the subscribers to and holders of the stock subscribed under this act, and the act to which this is a further supplement, shall have perpetual succession, and all the privileges incident to a corporation, and shall be capable of exercising all the powers granted by the above recited act, and by this act, and of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if it shall be found necessary to fulfil the intent of the said acts, and of purchasing taking and holding to them, their successors and assigns, and of selling and transferring in fee simple, or any less estate, such lands, tenements and hereditaments, and estate, real and

personal, as shall be necessary in the prosecution of their works under this act, and necessary for the transaction of the business under the act to which this is a further supplement, or shall be taken or held in security for the payment of debts due the corporation, and of suing and being sued, pleading and being impleaded, in all courts of justice and elsewhere, and of doing every matter and thing which a corporation, or body politic, may lawfully do: *Provided*, That the subscriptions taken, and all other things lawfully done by the commissioners named in the first section of the act to which this is a further supplement, or any of them, shall be as good and valid, to all intents and purposes, as if done by the commissioners above named; and the monies received by said commissioners shall be paid over in the same manner as if received by the commissioners, named in this section. Proviso.

SECTION 2. The county commissioners of Montgomery county, are hereby authorized and required to subscribe on the part of the county, for any number of shares of stock in the said company, not less than twenty, nor more than fifty, at their discretion, and the town council of the borough of Norristown, are hereby authorized and required to subscribe on the part of the said borough, for any number of shares of stock in said company, which may be authorized by a meeting of the citizens of the said borough, called for that purpose, not less than twenty. And the town council of said borough, is hereby authorized to borrow money to pay for the said stock, on the faith and credit of the borough, or raise the same by an assessment of tax to that amount, whichever they may deem most expedient. And in case money shall be borrowed for said purpose, may at any time thereafter, raise the amount by an assessment as aforesaid to pay off such loan. Commrs. of Montgomery co. to subscribe for stock.
Town council to subscribe.
To borrow money.

SECTION 3. That besides the privileges granted by the act to which this is a further supplement, the company shall have full power and authority, to make and effect insurance on the lives of horses, cattle, sheep and other domestic animals, at such rate of premium as may be agreed upon, and to make execute and perfect such contracts, bargains, agreements, policies and other instruments, as may be necessary therefor, under such rules and regulations as are prescribed in said recited act. To effect insurances.

SECTION 4. That in addition to the powers authorities and privileges, granted by the act to which this is a further supplement, the President and Directors of said company, are hereby authorized and required as soon as may be after they shall be organized, to proceed to bring and convey into the borough of Norristown, by means of pipes, trunks, aqueducts or other means, water from the river Schuylkill, or other stream of water, or from some spring in the neighborhood of said borough, the right to which shall have been previously To convey water into the borough of Norristown.

vested in said company, and shall also provide proper cisterns or reservoirs for the reception thereof; and for the purpose aforesaid, they may enter into such land or enclosure as may be necessary, and dig ditches, and lay pipes and trunks through the same, doing as little damage as possible to private property, and paying for whatever injury may be done by them; and if the parties cannot agree on the amount of damages, the same shall be assessed by three disinterested men on oath, to be appointed by the court of Common Pleas of Montgomery county, on the application of either party. And the said President and Directors shall at all times, (paying the damages as aforesaid,) have liberty to renew and repair the said pipes or trunks wherever laid, as often as may be necessary. The said President and Directors shall have liberty at all times, to dig and lay pipes or trunks, along the streets, roads, lanes and alleys, and on the public grounds, within the said borough, and along the public roads and highways in the adjoining townships, if necessary, and renew and repair the same, shutting up and mending any breaches which they may make as soon as possible, and it shall also be lawful for them to make cisterns or reservoirs in the streets, or on the public grounds within said borough, when the same may be deemed necessary, if the constituted authorities of said borough consent thereto.

To enter upon
lands.

Damages as-
sessed.

Reservoirs.

To erect by-
drants.

Water for
private use,
to be contract-
ed for.

SECTION 5. The said President and Directors shall in such streets or parts of said borough, where pipes shall have been laid, erect hydrants to be used solely for the extinguishment of fires, the expense of which hydrants shall be paid by the said borough. They shall suffer individuals at all times to be supplied with water from the pipes laid by said corporation, for domestic or manufacturing purposes, for such reasonable compensation as shall from time to time be agreed upon by the President and Directors of the company; and such individuals according to such uniform rates as the President and Directors shall adopt, having regard to the probable quantity of water which applicants are likely to consume, and to their distance from the place where the water is to be drawn; and any person or persons who shall take any of said water for domestic, manufacturing or other use, without having previously contracted for the same, with the President and Directors, shall forfeit and pay for every such offence to the said company, the sum of one hundred dollars, to be recovered by the company as debts of the same amount are recoverable; but nothing herein contained shall be construed, to compel the inhabitants of said borough to use the water introduced by said company, or prevent them from using water obtained in any other way.

SECTION 6. Any person or persons who shall wilfully destroy, or in any manner injure, the pipes, trunks, aqueducts, cisterns or reservoirs, hydrants, buildings, machinery or any

of them, or any of the works of the said company erected in pursuance of this act, or any property belonging to the company, shall wilfully corrupt, or otherwise render unwholesome the or spring or stream of water which shall be conveyed or brought into the said borough, by said company, or shall so corrupt or otherwise render unwholesome the water in the reservoirs, cisterns, aqueducts, trunks or pipes of the company, on being thereof convicted, before the court of Quarter Sessions of the county of Montgomery, shall be sentenced to pay a fine to the company of not less than ten, nor more than one hundred dollars, and shall also be sentenced to an imprisonment, at the discretion of the said court, not exceeding five years.

Penalty for injuring works or corrupting water.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, JR.

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 163.]

A N A C T

To incorporate the Honeybrook Presbyterian Church of the village of Waynesburg, in Chester county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the members of the Honeybrook Presbyterian Church, in the village of Waynesburg, be and the same are hereby created and erected into one body politic and corporate, in deed and in law, by the name, style, and title of the "Honeybrook Presbyterian Church, in the village of Waynesburg, in Chester county," and by the same name shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, and shall be able and capable to take and hold lands and tenements, goods and chattels, real, personal, and mixed, which are now, or may hereafter become the property of said congregation or body corporate, by gift,

Church incorporated.

Name and style.

Privileges and franchises.

grant, devise, bequest, or otherwise, and the same to convey, lay out, apply, or dispose of in such manner as a majority of the trustees of the said congregation shall direct and appoint, and according to the true intent of the donors, grantors, and devisors: *Provided*, That the yearly value or income of the said estate, shall not, at any time, exceed the sum of two thousand dollars, exclusive of annual stated contributions.

Proviso.
Yearly in
come limited.

SECTION 2. That Joseph Marple, Abner Griffith, William White, David Buchanan, Robert Morton, Jacob M'Connell, and Amos Griffith, be trustees, to continue in office for one year, and until others be chosen, in such manner, time, and place, as shall be determined by a majority of the members of the said church.

Trustees.

SECTION 3. That the said trustees shall choose by ballot, from among their number, a president and secretary, and shall also choose a treasurer, who shall be a member of the congregation, and who shall, if required by the trustees, give security for the faithful performance of the trust reposed in him, and to account to them for all sums of money received by him; and in case of the removal of the president, or of any other officer or member of the board of trustees, by death or resignation, neglecting to attend the meetings of the said board twice in succession without good cause, or otherwise, the vacancy or vacancies shall be supplied by said board until the next annual election.

Officers.

Vacancies.

Seal.

By-laws.

SECTION 4. That the trustees, and their successors, shall have full power to make and use one common seal, and the same to alter and renew at pleasure; to enact and enforce such by-laws and ordinances as may be proper and necessary for the regulation and transaction of the business of the corporation; to change the time for holding the annual meeting for electing trustees, from time to time, as they may find convenient; or if the congregation neglect to elect on the day of the annual meeting, to appoint any subsequent time on which said election shall be held: *Provided*, That notice thereof be given from the pulpit, or in such other manner as a majority of the trustees may direct, at least two weeks before said election: *And provided also*, That said by-laws and ordinances shall not be inconsistent with the constitution or laws of this State, or of the United States.

Proviso.

2d Proviso.

Preamble.

WHEREAS, the four German Reformed Congregations of Upper Mount Bethel, Lower Mount Bethel, Lower Smithfield, and Hamilton townships, all then in the county of Northampton, did, in the year one thousand eight hundred and twelve, by joint contribution, purchase of one William Lander, a lot of land lying therein, in said township of Upper Mount Bethel, containing nineteen acres and ninety-eight perches for a parsonage, all of said congregation being then under the care of one pastor; which said lot of land and pre-

mises, the said Williauw Lander, by deed dated the fourteenth day of November, Anno Domini, one thousand eight hundred and twelve, and recorded in the office of the recorder of deeds, at Easton, in deed book II, volume three, page one hundred and ninety-five, conveyed to George Mann, John Hilliard, John Houser, Adam Smith, Simon Heller, and Henry Fenner, and their successors, in trust, to the only proper use and benefit and behoof of the said congregation and its members forever: *And whereis*, the said congregation of Lower Smithfield has ceased to be under the care of the same pastor with the other three congregations, on account of the distance of their church from the said parsonage: *And whereas*, the said congregation of Lower Smithfield is desirous to sell their interest in the said lot of land and premises, being the one-fourth thereof; and the said congregation of Upper Mount Bethel is desirous to purchase the same, but in consequence of the death of John Houser and Adam Smith, the two trustees in the said deed, on the behalf of the said congregation of Lower Smithfield, doubts have arisen as to the mode of conveyance.

SECTION 5. That Joseph Houser, John Smith, and Isaac Trausue, or the survivor or survivors of those trustees, appointed by the German Reformed Congregation of Lower Smithfield, to make sale of their interest in the said real estate above described, be and they are authorized and empowered to release, sell, and dispose of at public or private sale, all the right, title, and interest of the German Presbyterian Congregation of Lower Smithfield, of, in, and to the above described lot of land and premises, with the appurtenances, being the undivided fourth part thereof; and to make good and sufficient deeds of conveyance therefor to the purchaser or purchasers thereof, in fee simple, and that the sum of one hundred and thirty-three dollars of the proceeds of said sale be paid to Peter Tribble, for the use of the Smithfield Congregation, and the residue be divided among the trustees above mentioned.

Trustees authorized to sell &c.

Proceeds of sale how distributed.

SECTION 6. That so much of the third section of the act of assembly of first April, eighteen hundred and thirty-four, entitled "An act to provide for the incorporation of boroughs as requires applications for the incorporation of boroughs, to be laid before the grand jury," be and the same is hereby repealed, as respects the county of Philadelphia; and the court of quarter sessions of the said county is hereby authorized to appoint a jury of six citizens of the said county, to perform all the duties enjoined on the grand jury by the act of assembly aforesaid.

3d section of act April 1, 1834, repealed in part as respects county of Phila.

SECTION 7. That from and after the passage of this act, "The Franklin Blues," a volunteer company, in the county of Westmoreland, shall be exempted from parading or drilling with any regiment or battalion of militia, except at the dis-

Applications for incorporation of boroughs how made

Franklin Blues exempted from the cretion of the members of said company: *Provided*, The said Franklin blues shall meet the number of days required by law in their company capacity.

North Washington artillery co. exempt. SECTION 8. That from and after the passage of this act, "The North Washington Artillery company," a volunteer company, in the county of Westmoreland, shall be exempted from parading or drilling with any regiment or battalion of militia, except at the discretion of the members of said company: *Provided*, That said North Washington Artillery company shall meet the number of days required by law in their company capacity.

The Green Mountain Boys changed to infantry. SECTION 9. That from and after the passage of this act, "The Green Mountain Boys," a volunteer rifle company, in the county of Westmoreland, be and are hereby changed into an infantry company, and in that character shall be entitled to draw, through the proper brigade inspector, the proper number of muskets and bayonets, cartridge boxes and belts, to which an infantry company may be entitled under the existing laws, and in all other respects have the same privileges, and be under the same restrictions as if they had been originally organized as a volunteer infantry company.

Dauphin Guards. SECTION 10. That so much of an act of twenty-seventh of March, one thousand eight hundred and thirty-nine, as refers to the Dauphin Grays, is hereby altered, so as to apply to the Dauphin Guards.

Hanover Rifle Rangers exempt. SECTION 11. That from and after the passage of this act, the company called "The Hanover Rifle Rangers," of Lehigh county, shall be exempted from parading or drilling with any regiment or battalion of militia, except at the discretion of the members of said company: *Provided*, The said company shall meet the proper number of days required by law.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 164.]

AN ACT

Incorporating the Methodist Episcopal Church of Milford, Pike county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the Methodist congregation in the town of Milford, in the county of Pike, in the state of Pennsylvania, be and the same is hereby created into a body politic and corporate in deed and in law, by the name, style and title of the Trustees of the Methodist Episcopal Church in the town of Milford, and by the same name shall have perpetual succession; and the present trustees who have been appointed agreeably to the discipline of said church, or their successors in office, shall be able to sue and be sued, to plead and be impleaded in all courts of law and elsewhere, and shall be able and capable in law and equity to take and to hold to them and their successors for the use of said church, lands, tenements, goods and chattles, of whatsoever kind, nature and quality, real, personal or mixed, which now is or shall hereafter become the property of the said congregation, or be held for their use by gift, grant, bargain, sale, conveyance, devise, bequest, or otherwise, from any person whomsoever capable of making the same; *Provided*, That the yearly value or income of the said estate shall not at any one time exceed one thousand dollars, and shall not be appropriated to any other than benevolent or religious purposes.

Church in-
corporated.Name and
style.Privileges and
franchises.Proviso.
Yearly in-
come limited.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 165.]

A SUPPLEMENT

To an act entitled an act for the organization of a new county from parts of Venango and Armstrong, to be called Clarion, passed the eleventh day of March, 1839, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That it shall be the duty of the present commissioners of Clarion county, at the proper expense of said county, as soon as conveniently may be after the passage of this act, to employ a competent person to run a line between the counties of Venango and Clarion, which said line shall be run as follows: Beginning at the north-west corner of tract of land, number three thousand three hundred and thirty-nine, being a corner of Farmington township, thence by the northern boundary of tracts, number five thousand five hundred and two, three thousand six hundred and seventy-four, two thousand eight hundred and thirty-two, and two thousand eight hundred and twenty-nine, westwardly to the north-west corner of the latter, thence by the western boundary of the same, and tract number two thousand eight hundred and nineteen, southwardly to the south-west corner of the latter, thence by the northern boundary of tracts, number two thousand eight hundred and ten, two thousand eight hundred and seven, two thousand eight hundred and five, and two thousand eight hundred and three, westwardly to the north-west corner of the latter; thence by the western boundary of the same, and tract number two thousand eight hundred and two, southwardly to the north-east corner of tract number two thousand five hundred and thirty-eight, thence by the northern boundary of the same and tract number two thousand five hundred and thirty-six, westwardly to the north-west corner of the latter, thence by the western boundary thereof, southwardly to the south-west corner of the same, thence by the northern boundary of tracts number two thousand five hundred and twenty-five and two thousand five hundred and twenty-six, westwardly to the north-west corner of the latter, thence by the western boundary of the same, and tracts number two thousand five hundred and five and two thousand four hundred and ninety-eight, southwardly to the south-west corner of the latter; thence by the southern boundary of tract number two thousand four hun-

Commissrs.
of Clarion
county to run
line between
it and Venan-
go.

red and ninety-nine, westwardly to the corner of a tract granted to William Nickle; thence by the eastern boundary of the same and tract number eight hundred and six, southwardly to the south-east corner of the latter; thence by the southern boundary of the same, westwardly to the north-east corner of tract number two hundred and twenty-two; thence by the eastern boundary of the same, southwardly to the south-east corner thereof; thence by the southern boundary of the same and tract number even hundred and sixty-five, westwardly to the north-east corner of tract number four hundred and forty-five; thence by the eastern boundary of the same and tracts number two hundred and fifty-eight and eight hundred and fifteen, southwardly to the south-east corner of the latter, thence by the south-eastern boundary of the same and tracts number eight hundred and twenty and eight hundred and thirty-one, south westwardly to the north-eastern boundary of tract number eight hundred and twenty-two, thence by the same south-eastwardly to the corner thereof, thence by the south-eastern boundary of the same, south-westwardly to the corner of tract number five thousand seven hundred and twenty-seven, thence by the north-eastern boundary thereof, south-eastwardly to Richley's Run, thence down and along said run south-westwardly to the Allegheny river, opposite or nearly opposite the north-east corner of Butler county.

SECTION 2. That as soon as the aforesaid line is run, and a draft of the same deposited with the commissioner of each of said counties of Venango and Clarion, it shall be and remain the permanent line between said counties, and that part of the act to which this is a supplement, as directs a straight line between said counties, from the corner of Farmington township to the mouth of Shull's run, on the Allegheny river, be and the same is hereby repealed.

Draft where deposited.

Line permanent.

Former line repealed.

SECTION 3. That wherever said line divides any election district, and part falls into Venango and part into Clarion, the judges of the court of Common Pleas of Venango county, or any two of them, shall, on or before the first day of September next, fix upon the place where the electors of said parts of districts, in each of the said counties shall vote at their annual elections, which places so ordered by said judges shall be the places for said electors to vote, until otherwise ordered by law; and it shall be the duty of the sheriff of Venango county to make proclamation of the time, place and purpose of holding their next annual election in Clarion county, in the usual time and manner, as he is already directed to make proclamation in his respective county; said proclamation to be published in all the newspapers printed in said Clarion county, but if no paper be published therein, it shall be the duty of said sheriff to set up one or more written or printed copies of said proclamation, in each township in said Clarion county, for which he shall be paid by the commissioners of said Cla-

Where line divides election district.

Elections when and how held.

When line
between Arm-
strong and
Clarion co.
divides elec-
tion districts
election, how,
when and
where held.

Clarion county the legal mileage, besides the price of writing or printing, and his legal fee for making proclamation. And wherever the line between Armstrong and Clarion counties divides any election district, and part falls into Armstrong and part into Clarion, the judges of the court of Common Pleas of Armstrong county, or any two of them, shall on or before the first day of September next, fix upon the place when the electors of said parts of districts in each of said counties shall vote at their annual elections, which places so ordered by said judges shall be the places for said electors to vote, until otherwise ordered by law, and it shall be the duty of the Sheriff of Armstrong county to make proclamation of the time, place and purpose of holding their next annual election, in each of said divided districts as lies within the bounds of Clarion county, in the usual time and manner, as he is already directed to make proclamation in his respective county; said proclamation to be published in all the newspapers printed in said Clarion county, but if no paper be published therein, it shall be the duty of the said sheriff to set up one or more written or printed copies of said proclamation, in each of said divided districts as lies within the said Clarion county, for which he shall be paid by the commissioners of said Clarion county the legal mileage, besides the price of writing or printing, and his legal fee for making proclamation; and the qualified voters of the several townships shall, at the time and place designated for holding their elections, choose the inspectors, judges and clerks, to conduct said elections.

Clarion co. at-
tached to 25th
congressional
dist.

SECTION 4. That the said county of Clarion shall form a part of the twenty-fifth congressional district, composed of the counties of Erie, Crawford, Venango and Warren, for the election of a member of Congress, and shall make return of the votes given for member of Congress, in the same manner as other counties of the district, and shall be attached to Venango county, in the election of a member of the house of representatives of this state.

Annual elec-
tions, how,
when & where
held.

SECTION 5. That the electors of the county of Clarion shall hold their annual election at the proper and usual places, and the return judges thereof shall meet at the court house, in the town of Clarion, on the next Friday after said election, as in other counties, to examine and count the votes of said returns, and the return judges of Venango and Clarion counties shall each appoint one return judge, who shall meet at the court house in Venango county, on the next Tuesday after the said Friday, with the return of the votes given for member of the house of representatives, who shall sum up the votes and make the returns of the same agreeably to law.

Academy of
natural sci-
ences of Phila-
delphia.

SECTION 6. That the title of the Academy of Natural Sciences, in the city of Philadelphia, to the messuage and lot of ground, situate at the south east corner of Twelfth and

George streets, in Philadelphia, be and the same is hereby confirmed, and all the estate of the New Jerusalem church herein, shall be taken to have passed to and become vested in the said academy of Natural Sciences: *Provided however*, That the interests of third persons shall in nowise be affected by any thing herein contained.

Title to certain grounds Confirmed.
Title of New Jerusalem church in said estate vested said academy.

WHEREAS, in the preamble of the act to which this is a supplement, it is stated that the trustees of the said Union Academy who had been elected by the inhabitants, had no power given them legally to receive and hold the lot on which the said academy is erected: *And whereas*, the said statement is erroneous, inasmuch as the said lot had been conveyed by indenture, dated sixth of September, eighteen hundred and four, and recorded on the twenty-ninth day of April, eighteen hundred and seventeen, in the said county of Bucks, conveyed by Charles Meredith, to trustees, for the uses and trusts in the said indenture mentioned; Therefore,

Preamble.

SECTION 7. That the said act, incorporating the said Union Academy, at Doylestown, shall not be construed in any wise to affect the trusts in the said indenture mentioned and contained, but the same shall be and remain as if the said act had not been passed; and the estate thereby granted, shall be and remain invested in the trustees named in the same indenture, for the purposes thereof; and all and every part of the said act, incorporating the said Union Academy, which conflicts with the provisions and trusts of the said indenture, or divests the trustees named therein of any estate or powers, be and the same is hereby repealed.

Union Academy.
Doylestown.

Title to lot vested in trustees.

SECTION 8. That upon the application of any citizen of the county of Bucks, the court of common pleas of Bucks county shall be authorized to appoint trustees, under the said indenture, to supply the places of all such of the said trustees as have died or resigned, or removed from the vicinity, or have acted as trustees under the said act incorporating the Union Academy, or who have not acted as trustees for the space of seven years before such application made; and the same proceedings shall be had in the said court, for this purpose, as is provided for by the several acts of assembly of this commonwealth, to prevent the failure of trusts by appointing trustees; that the trustees, when organized in pursuance of this act, shall have full power to enter upon, hold, and enjoy all lands, tenements, and hereditament mentioned and contained in the said indenture, and take and keep possession thereof, and to ask, demand, sue for, levy, recover, and receive all moneys, or other property belonging to the said trustees, and may proceed against all former trustees, or their legal representatives, and bring them, or any of them, to account for any money, or other property belonging to the said institution, which they may at any time have received;

Court may appoint trustees in certain cases.

Power of trustees.

and for this latter purpose they shall proceed, according to the laws now in force in this commonwealth, in relation to trusts and trustees.

Act relating to
agriculture &
manufactures
revived.

SECTION 9. That the act entitled "An act supplementary to an act entitled 'An act for the promotion of agriculture and domestic manufactures,' passed on the thirteenth day of March eighteen hundred and twenty-one," be and the same is hereby revived for the term of five years from and after the passage of this act, so far as respects the city and county of Philadelphia.

Guardain of
minor children
of Jane Mc-
Fadden, to sell
certain real es-
tate.

SECTION 10. That George Wallace, guardain of Jane, Ann, and Mary Jane, minor children of Jane McFadden, deceased, be and he is hereby authorized to sell, either at public or private sale, all the undivided reversionary interest of the said minors, in a certain tract of land situate in Wilkins township, in the county of Allegheny, containing about sixty acres, and being a portion of the purpart or share allotted to Eliza Reeves, as one of the divisees under the will of George Wallace, late of Braddock's Field, in the said county, deceased: *Provided*, The said George, guardian as aforesaid, shall give such security for the proper application of the moneys arising from the said sale, as shall be approved by the orphans' court of the said county.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 166.]

A N A C T

To incorporate the Jonestown Academy.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the association formed at Jonestown, in the

county of Lebanon, under the articles hereinafter set forth, by Academy in the name and style of the Jonestown Academy, shall be and incorporated. hereby is enacted into a body corporate by the same name and style, and under the same articles, and by said name and style shall have perpetual succession, and be capable in law and equity to sue and be sued, to take and hold all property, real and personal, which may be granted and in any wise transferred to the said academy for the purposes of education, and the same to alien and dispose of, or to hold and use, for the purpose aforesaid, and may have a common seal, and the same alter, break or renew at pleasure. The capital stock of the said company shall consist of thirty shares of twenty-five dollars each, with the privilege of raising them to fifty dollars each, if deemed necessary by the said stockholders, payable by instalments of five dollars on each, at such time as may be agreed upon by a majority of the stockholders, and the president and treasurer shall make out certificates of stock signed by them, and sealed with their corporate seal, and deliver one such certificate to each stockholder, for every share by him held, on his or her paying to the treasurer on each share one half of its amount, which certificate shall be transferable in person, or by attorney, on the books of said company, only subject to sum due or to become due on the shares so transferred. That Peter C. Freylinghause, Samuel E. Beikel, and Henry Meily, be commissioners for the sale of stock, who shall, on the first day of May, give notice for the opening of the books for the same, and as soon as twenty shares shall be sold, said commissioners shall give ten days notice to stockholders, by publication, to meet and elect trustees, as provided by this act: *Provided*, That said academy shall not be entitled to the annual appropriation to academies, provided for in the fourth section of the act of the twelfth of April, eighteen hundred and thirty-eight, entitled "a supplement to an act to consolidate and amend the several acts relative to a general system of education by common schools, passed the thirteenth day of June, one thousand eight hundred and thirty six;" and the following articles of association shall regulate said corporation, the legislature reserving the right to alter or modify the same at pleasure.

First. The institution shall be called the Jonestown Academy.

Second. It shall be governed by seven trustees, who shall be elected from among the stockholders annually on the last Monday in March, four of whom shall constitute a quorum to transact business.

Third. Three of the stockholders shall be appointed trustees, to whom the title of the lands and buildings shall be made, with authority to sell or convey at the desire of the holders of two-thirds of the stock.

Name & title.

Privileges & franchises.

Seal.

Capital stock.
Transferrable.

Certificates.

Transferable.

Com's.

Notice.

Proviso.

Not to receive
annual appropriation.

Articles of association.

Government.

Title of lands
to whom made

- Officers.** Fourth. The officers of the institution shall consist, (in addition to the trustees above named) of a treasurer and secretary, who may be chosen from among the trustees.
- Treasurer.** Fifth. It shall be the duty of the treasurer to collect and disburse all moneys belonging to the institution, keep a regular account of receipts and payments, and receive donations, but pay no moneys except to the order of the president of the board of trustees.
- Secretary.** Sixth. It shall be the duty of the secretary to keep minutes of the proceedings of the board of trustees, notify the stockholders of special and stated meetings, and keep the books and accounts of the institution.
- Vote.** Seventh. Each stockholder shall be entitled to one vote for each share he or she may hold, either in person or by proxy.
- Election of trustees.** Eighth. In elections of trustees those candidates who shall receive the greatest number of votes shall be considered duly chosen.
- Stock transferable.** Ninth. The stock shall be transferable only on the books of the institution.
- Super't.** Tenth. A superintendent shall be selected from among the trustees, whose duty it shall be to examine into the progress of the scholars and enjoin more definitely the necessary regulations of the institution by which the teacher is to be governed.
- Secretary to issue certificates of stock.** Eleventh. The secretary shall issue certificates to the stockholders for as many shares as they may possess, (on payment of all arrearages) signed by himself and the president of the board of trustees.
- Teacher.** Twelfth. It shall be the duty of the trustees to engage the teacher, lease the room, attend examinations, and do all things necessary for the welfare of the institution.
- discharge of.** Thirteenth. It shall require the consent of a majority of the trustees to discharge a teacher.
- Trustee to finish buildings &c.** Fourteenth. The trustees may sell a sufficient quantity of stock, at the original cost per share, to finish the buildings, and pay the debts of the institution, and may also effect an insurance of the premises against fire, either temporary or perpetual, out of the funds of the institution.
- Sunday schools.** Fifteenth. A majority of the trustees may loan or let the building for the accommodation of Sunday-Schools, or for other purposes.
- By-laws.** Sixteenth. The trustees may enact their own by-laws.
- Quorum.** Seventeenth. In all business relative to the affairs of the academy it shall require a majority of the trustees to act, with the exception of the provisos before made, and a majority of the quorum present shall be considered a majority of the trustees.

Eighteenth. It shall require the consent of the holders of Constitution how altered.
two-thirds of the stock to alter or amend this constitution.

WM. HOPKINS,
Speaker of the House of Representatives.
EBEN'R. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The sixteenth day of April, A. D. one thousand
eight hundred and forty.

DAVID R. PORTER.

[No. 167.]

AN ACT

Supplementary to the acts regulating Hawkers and Pedlers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That no person shall be licensed as Hawker and Who may be
Pedler, or petty chapman, within this state, but such only as licensed and
is a citizen of the United States, and who from loss of limb how.
or other bodily infirmity shall be disabled from procuring a
livelihood by labour, which disability shall be proven by cer-
tificate or certificates from two physicians of respectable char-
acter, under oath, residing in the county where the application
for license is made; and no license hereafter granted shall License limit-
extend farther than the county in which such license may ed.
have been granted, except wholesale pedlers, whose license
shall extend throughout this state, for which they shall pay Except whole
for the use of the commonwealth, for a license to travel with sale pedlers.
one horse and waggon or other vehicle, forty dollars; with
two horses and waggon or other vehicle, fifty dollars.

SECTION 2. And if any person not being licensed as afore-
said (except such whose licenses have or may not yet be ex-
pired) shall be found hawking, pedling, or travelling from
place to place through any part of this state; to sell or expose
for sale any foreign goods, wares or merchandize, every per- Penalty for
violating law.

Refusal to
show license
penalty.

Proviso.

son so offending against this act shall be liable to a fine of fifty dollars : or being so qualified by a license, shall refuse on request of any citizen of this state to shew his license, every person so offending shall be liable to a fine of twenty dollars, to be recovered and applied in the same manner as is provided for, by an act for regulating Hawkers and Pedlers, and its several supplements, passed the thirtieth day of March, seventeen hundred and eighty-four ; *Provided*, That this act shall not be construed to prevent citizens of this commonwealth from Hawking and Pedling goods of their own manufacture.

SECTION 3. That so much of any act as is hereby altered or supplied by this act, and no more be and the same is hereby repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 168.]

A N A C T

To incorporate the Huntingdon Female Seminary in the borough of Huntingdon, in the county of Huntingdon.

Female semi-
nary incor-
porated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That there shall be and is hereby established in the borough of Huntingdon, in the county of Huntingdon, a female seminary or public school for the education of female youth in the English and other languages, and in the useful arts, sciences and literature by the name, style and title of the

Huntingdon Female Seminary; the said seminary to be under the management, direction and government of a board of trustees, not exceeding nine in number, five of whom shall be a quorum to transact business. The trustees are the following named persons: James Gwin, John G. Miles, Daniel Africa, William Orbison, William Dorris, Thomas Fisher, John Ker, Benjamin E. McMurtrie, and Andrew P. Wilson, which said trustees and their successors to be elected as hereinafter mentioned, shall be, and they are hereby erected, established and declared to be a body politic and corporate, with perpetual succession and with all the incidents of a corporation, in deed and in law to all intents and purposes whatsoever, by the name, style and title of "The Trustees of the Huntingdon Female Seminary," by which name and title the said trustees and their successors shall be able and capable at law and in equity to take to themselves and their successors, for the use of said seminary, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, moneys or other effects by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest of any person or persons whatsoever; *Provided*, The same does not exceed in the whole the yearly value of three thousand dollars. And the same messuages, lands, tenements, hereditaments and estates, real and personal, to grant, bargain, sell, convey, assure, demise, and to farm, let, and place out on interest, or otherwise dispose of, or invest for the use of the said seminary in such manner as to the said trustees, or a quorum of them, shall seem most beneficial to the said institution; and to receive the rents, issues, profits, income and interest of the same, and to apply the same to the use of said seminary, and by the same name to sue, prosecute and defend, implead and be impleaded, in any courts of law or equity, and in all manner of suits and actions whatsoever, and generally by and in the same name to do and transact all and every the business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person, or body politic, or corporate, have power to manage their own concerns.

SECTION 2. That said trustees shall cause to be made for their use one common seal, with such devices and inscriptions thereon as they shall think proper, and by and with which all deeds, certificates and acts of the said corporation shall pass and be authenticated, and the same seal at their pleasure may break and alter and devise a new one.

SECTION 3. There shall be a meeting of said trustees, held once in every year at least, at Huntingdon, at such time as the said trustees, or a quorum of them, shall appoint: of which meeting due and timely notice shall be given; and if less than a quorum attend at such meeting, those present shall have

Name and style.

Trustees.

Privileges and franchises.

Proviso.

Yearly income limited.

Seal.

Annual meeting of trustees

By-laws. power to adjourn to another day; said trustees shall have the power of making and enacting ordinances for the government of the said seminary; of electing trustees in the place and stead of those who shall resign or die, or remove from the county of Huntingdon aforesaid; of electing and appointing the teachers for the said seminary; for agreeing with them for their salaries and stipends, and of removing them for misconduct, breaches of the ordinances of the institution, or other cause which shall be deemed sufficient; of appointing committees of their own body to carry into execution all and every the resolutions of the said board; of appointing a president, secretary, treasurer, and other officers whom they may find necessary for managing the corporation; of providing for the punishment of all violations of the rules, regulations, or ordinances of the seminary, or other misconduct committed by the pupils, or other persons thereat; and generally, at any annual, adjourned, or extra meeting, shall determine all matters and things, (although the same are not herein particularly mentioned,) which shall occasionally arise, and be incidentally necessary to be determined by said trustees: *Provided*, That no ordinance or regulation shall be of any force, which is repugnant to the constitution and laws of the United States, or of this commonwealth.

Teachers. *Teachers.*

Officers. *Officers.*

Proviso. *Proviso.*

SECTION 4. That the teachers of said seminary, or a majority of them, shall have the power of enforcing the rules and regulations adopted by the trustees for the government of the pupils; and to grant and confirm, by the order and direction of a quorum of the board of trustees, such degrees in the arts, sciences, and other branches thereof, to such pupils of the seminary, and others, who, by their proficiency in learning, or other distinction, they think shall be entitled to them, as have been usually granted in other similar seminaries, or which the said trustees, or a quorum thereof, shall think right and proper, and to grant to such graduates certificates under their common seal.

Teachers to confer degrees *Teachers to confer degrees*

SECTION 5. Persons of every religious denomination shall be capable of being elected trustees; nor shall any person, either as principal, teacher, tutor, or pupil, be refused admittance into the seminary, or be denied any of the privileges, immunities, or advantages thereof, for or on account of his or her sentiments in matters of religion.

Who may be trustees. *Who may be trustees.*

SECTION 6. No misnomer of said corporation shall defeat or annul any gift, grant, devise, or bequest to or from said corporation: *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, grant, will, or other writing, whereby any estate or interest was intended to pass to or from said corporation.

Misnomer. *Misnomer.*

Proviso. *Proviso.*

SECTION 7. The legislature reserves the right to revoke, Right to re-
alter, or annul the charter hereby granted, at any time they ^{peal.}
may think proper.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight
hundred and forty.

DAVID R. PORTER.

[No. 169.]

A SUPPLEMENT

To an act to authorize the Governor to incorporate a company to make a
Canal Navigation round the werten abutment of the Permanent bridge,
over the river Schuylkill, at Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Re-*
presentatives of the Commonwealth of Pennsylvania in Gen-
eral Assembly met, and it is hereby enacted by the au-
thority of the same: That so much of any act of assembly as
requires the West Philadelphia canal company, to maintain and ^{Parts of for-}
keep in repair bridges over their canal, of the width of twenty- ^{mer act re-}
five feet, be and the same is hereby repealed, and hereafter the ^{pealed.}
said West Philadelphia canal company shall be required, under
the same penalties and restrictions now imposed by law, to ^{To build two}
keep and maintain two good and substantial bridges, of such ^{bridges, &c.}
width not less than sixteen feet nor more than twenty-five feet,
as may be determined on by the concurrent resolution of the
burgesses and town council of the borough of West Philadel-
phia, and the select and common council of the city of Philadel-
phia, over their canal, with suitable carriage, foot ways and rail
ings, for the security of vehicles, passengers and cattle; and
also, one such bridge ready prepared at all times to be put in
place, in case of any accident or decay, requiring the bridge in
use to be repaired or removed, and the penalties now by law ^{Certain pen-}
made recoverable from said West Philadelphia canal com- ^{alties how re-}
pany, to the company for erecting a permanent bridge over ^{covered and}
the river Schuylkill, at or near Philadelphia, shall hereafter ^{to whom paid.}

be recoverable by the mayor, alderman, and citizens of Philadelphia; and the select and common councils of the city of Philadelphia, shall be, and are hereby authorized to make such agreements, as they may deem expedient with the West Philadelphia canal company, for the management, care, and preservation of the said canal, and the bridges over the same; and also for keeping the public highways, leading to the permanent bridge, over the river Schuylkill, at High street, at all times, as unobstructed, by the use of the said canal, as possible.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 170.]

A N A C T

To incorporate the Muncy Female Seminary.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority*

Seminary established.

Trustees.

Name.

Powers and privileges.

of the same, That there shall be, and is hereby established for the education of female youth, in the arts, sciences, and useful literature, the Muncy Female Seminary, in the borough of Muncy, and county of Lycoming, under the care and direction of seven trustees, namely: Dr. James Rankin, John Montgomery, Cowden S. Wallis, Joshua Bowman, John J. Crouse, J. P. Schuyton, and Jacob Pott, who, and their successors in office, are hereby declared to be one body corporate and politic, in deed and in law, by the name, style, and title of "The trustees of the Muncy Female Seminary," and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of law, and elsewhere; and shall be capable in law and equity, to take and hold, to them and their successors, for the use of said female seminary, lands, goods, and moneys of every kind whatsoever, by gift, grant, conveyance, devise, or

bequest, from any person or persons, whomsoever, capable of making the same; and the same, from time to time, to sell, convey, or dispose of for the use of said seminary; and to erect such buildings as may be necessary; and generally to do all and singular such matters and things as may be lawful for them to do, for the well being of the said female seminary, and the due management and ordering the affairs thereof.

SECTION 2. And the first election of trustees shall take place on the first Monday of June next, and on the first Monday of June annually thereafter, at the said seminary, in the borough of Muncy, and the said election shall commence at the hour of one o'clock in the afternoon, and continue until five o'clock in the afternoon, and shall be conducted by two managers, who shall be appointed by a majority of citizens qualified to vote, who may be present at the time of commencing said election. No person shall be entitled to vote at said election, or to be a trustee, unless he shall hold stock in said female seminary, (on which has been paid all the instalments duly called for by the trustees,) amounting to ten dollars; and every additional amount of ten dollars thus held, as stock of said seminary, shall entitle the holder thereof to an additional vote, whether in person or by proxy; the votes shall be given by ballot; and at the first election each ticket shall be labelled on the outside "Trustees of the Muncy Female Seminary," and shall contain the names of six persons; and the persons having the greatest number of votes, and being qualified according to the provisions of this act, shall be trustees for the ensuing year, and until their successors are elected: *Provided*, That if any such election shall fail to take place, that the said corporation shall not thereby be dissolved; and in case any vacancy shall occur in the board, from death, resignation, or refusal to act, the said vacancy shall or may be supplied by the trustees, or a majority thereof, until the next annual election; the managers shall certify the result of the election to each person so elected; and as soon as convenient after the election, the said trustees shall by lot divide themselves into three classes of two each. The term of office of the first class shall expire in one year after their election; that of the second, in two years; and that of the third, in three years. And after the first election, but two trustees shall be elected annually. The board of trustees shall have power to fill vacancies; to appoint their president, who shall be one of the elected trustees; employ teachers; and they shall have power to enact such by-laws as may be necessary, not being inconsistent with the constitution and laws of the United States, or the constitution and laws of this commonwealth; and four of the said trustees shall constitute a quorum; the president shall be appointed yearly; the said board of trustees shall appoint a

First and annual election, how, when and where held.

Who may vote and be trustees.

Proxies.

Proviso.

Vacancy.

Classification]

President. Teachers, &c.

By-laws.

Quorum.

Secretary, &c. secretary and treasurer yearly, but they shall have power to remove either whenever a majority of the board shall think it proper; the treasurer shall, before he commences the duties of his office, give a bond to said corporation, with one or more good securities, to be approved of by a majority of the trustees, for a penal sum double the estimated amount, for the time being, of the funds of the corporation, conditioned for the performance of the duties enjoined, and the repayment of moneys received by him.

Treasurer
bond.

Treasurer
duties.

Penalty for
neglecting to
exhibit ac-
counts.

Capital stock.
Instalments.

SECTION 3. The treasurer shall receive and hold all moneys belonging to the institution, and pay the same only to the order of the board, signed by the president and secretary, or by a majority of trustees; and he shall keep fair accounts thereof, to be open at all seasonable hours, to the inspection of all persons holding stock in said institution; and the treasurer shall, within one week previous to the annual election of each year, exhibit all his accounts and vouchers to the board of trustees; and the balance found on settlement of accounts against such treasurer, shall, if so directed by the board of trustees, be entered on record in the prothonotary's office of Lycoming county, as a lien against the property of said treasurer and his security; and shall be collected in the same manner, and under the same regulations, as balances found due from county treasurers, saving to the accountant the same right to appeal. Every treasurer who shall refuse to exhibit his books, accounts, and vouchers, as aforesaid, shall forfeit the sum of fifty dollars, to be recovered as debts of a similar amount are now by law recoverable, in any action brought by a person qualified to vote for trustees, in the name of said corporation: one-half to be recovered for the use of the seminary, and the other half for the use of the prosecutor.

SECTION 4. The capital stock of said female seminary shall consist of five hundred shares, of ten dollars each, which shall be transferable only on the books of the institution. The shares shall be paid in such instalments as the trustees may call for; and on failure to pay within thirty days after such instalment shall thus be called for by public notice, the instalment or instalments remaining due, may be collected in the name of said institution, before any justice of the peace, or in any court of common pleas in this commonwealth.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 171.]

A N A C T

To incorporate an Academy at Lock Haven, in Clinton county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That an Academy for the education of youth in useful arts, sciences and literature, shall be established at Lock Haven, in Clinton county, by the name and style of Trustees. Academy established.
 “The Lock Haven Academy.”

SECTION 2. The first trustees of said Academy shall be Washington Dunn, John Baird, (of Chapman) Robert M’Cormack, Isaac Lusk, Joseph F. Quay, Robert Irwin, Saul M’Cormack, John Fleming and Alexander Boyd, which said trustees, and their successors to be elected as hereinafter directed, shall be a body corporate and politic, by the name, style and title of “The Lock Haven Academy,” and by the same name shall have perpetual succession, and be able to sue and be sued, and shall be capable in law and equity to take, hold and dispose of for the use of said academy, lands, tenements, hereditaments, moneys, goods and chattels, of whatever kind, and to erect such public buildings as may be necessary, and generally to do all things for the well-being of said Academy which such corporations may rightfully do. Name. Powers and privileges. Seal.

SECTION 3. The said Lock Haven Academy shall have full power to use one common seal, and to alter and renew the same at pleasure. First meeting. Classification.

SECTION 4. The said trustees shall hold their first meeting on the first Monday of June next, after the passage of this act, and shall there divide themselves by lot into three equal classes: The seats of the first class shall be vacated on the first day of November, A. D., eighteen hundred and forty-one; of the second class at the expiration of one year from that time; and of the third class at the expiration of the second year from said date, so that one third may be chosen annually. Annual election.

SECTION 5. The qualified electors of Clinton county shall in the year eighteen hundred and forty, and annually there-

after, at the general election in said county, elect three reputable citizens of said county as trustees of said Academy, and each vote for said trustees shall contain three names.

Quorum. **SECTION 6.** Said Trustees and their successors (any five of whom shall constitute a quorum) shall by the style and title aforesaid have power to make and enact ordinances and by-laws for the government of said Academy; to appoint as **Teachers, &c.** teachers, principals and tutors, and remove the same, to regulate their times of meeting, and the mode of calling special meetings, and to appoint all officers necessary and proper for the government of the board of trustees and management of the affairs of the corporation, to define the titles, duties and terms of service of said officers, determining all matters and things necessary to the good order and well-being of the same.

Officers. **SECTION 7.** The trustees of said Academy shall annually, in the month of January, of each year, elect by ballot one of their number treasurer, who shall give bond to said Academy with sufficient security, to be approved of by at least two of the judges of the court of Quarter Sessions of Clinton county, conditioned for the faithful performance of the duties of his office, and for the faithful appropriation of moneys received from the commonwealth, or from others, agreeably to the law and ordinances of said Academy: and said treasurer shall annually, in the month of December, publish in one or more newspapers of said county a full account of the fiscal affairs of said Academy, and shall receive such compensation for his services as said Academy shall by ordinance allow.

Treasurer bond. **SECTION 8.** All by-laws, ordinances and proceedings of said Academy shall be fairly and regularly entered in a book to be kept for that purpose; and no misnomer of said corporation shall defeat any gift, grant or bequest to the same, where the intention of the grantor or deviser shall sufficiently appear on the face of the conveyance.

By-laws and how kept. **SECTION 9.** The sum of two thousand dollars shall be paid by the treasurer of this commonwealth to the treasurer of said Academy for the purpose of purchasing a lot of land, and for erecting suitable buildings, and purchasing such Astronomical, Geographical and Mathematical apparatus as may be necessary for said Academy, and any number of poor children of said county, not exceeding four at any one time, shall have full privilege, gratis, of the benefits derived from said academy for the purposes of education.

Vacancies. **SECTION 10.** All vacancies which shall or may happen in the office of treasurer of said Academy shall be supplied by appointment of the court of Quarter Sessions of one of the

trustees of said Academy, who shall give bond, as aforesaid, and continue in office until the annual election of treasurer as herein provided.

WM. HOPKINS,
Speaker of the House of Representatives.
EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 172.]

A N A C T

Supplementary to an act, passed the sixteenth day of April, one thousand eight hundred and thirty-eight, entitled an act supplementary to the resolution, relative to the claim of Brown and Sawyer, passed the thirty-first day of March, one thousand eight hundred and thirty-six, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That from and after the passage of this act, so much of the second proviso of the nineteenth section of an act, passed the sixteenth day of April, Anno Domini, one thousand eight hundred and thirty-eight, entitled "an act supplementary to the resolution relative to the claim of Brown and Sawyer," passed the thirty-first of March, one thousand eight hundred and thirty-six, and for other purposes, as are contained in the following words, viz: "Nor shall any person be required to grade, curb and pave as aforesaid, until the wagon or cart-way, shall be M'Adamized or paved, in front of his or her lot or lots," be and the same is hereby repealed, so far as related to Washington street, and the streets immediately intersecting the same. Certain part of former act.

SECTION 2. That the number of shares of stock required to be subscribed, to the Shippenville and Foxburg turnpike road company, by the second section of the act, entitled "an act to authorize the Governor to incorporate the Shippenville and Number of shares in Shippenville

and Foxburg Foxburg turnpike road company, passed the thirteenth day of April, Anno Domini, one thousand eight hundred and twenty-seven, shall be reduced to two hundred; and that the president and managers of said company, may commence said road at the mouth of Clarion river, and make it on the bank of the Allegheny river, to a point opposite, or nearly opposite to Thomas Grahom's ferry, to intersect the Shippenville and Emlenton turnpike, at or near to Agnew's mills, and the Mercer and Roseburg turnpike, at any point between Parker's ferry, and the farm of Joseph Yingland; and that the number of shares of stock required to be subscribed to the Shippenville and Emlenton turnpike road company, by the second section of the act incorporating said company, passed tenth of March. one thousand eight hundred and thirty, shall be reduced to one hundred and forty, and that so much of said act as is hereby altered, be, and the same is hereby repealed.

Route of road.

Emlenton
turnpike road
company,
shares reduced to 100.

SECTION 3. That the marriage contract entered into by and between Eber Henderson, and Sarah Henderson his wife, late Sarah Gray, both of the county of Chester, be and the same is hereby annulled and made void, and the parties released and discharged from the said contract, and from all duties and obligations arising therefrom, as fully and as effectually, and absolutely as if they had never been joined in marriage.

Eber and
Sarah Henderson
divorced

SECTION 4. That the marriage contract entered into by and between Jacob Nace, of Bucks county, and Eve Nace his wife, be and the same is hereby annulled and made void, and the parties relieved and discharged from the said contract, and from all the legal duties and obligations arising therefrom, as fully, effectually and absolutely, as if they had never been joined in marriage.

Jacob and
Eve Nace, divorced.

SECTION 5. That the marriage contract entered into by and between Edwin Lewis, and Harriet Lewis his wife, be and the same is hereby annulled and made void, and the parties released and discharged from the said contract, and from all the legal duties and obligations arising therefrom, as fully, effectually and absolutely, as if they had never been joined in marriage.

Edwin and
Harriet Lewis
divorced.

SECTION 6. That the marriage contract entered into between Andrew Cubbison, of Mifflin county, and Catharine his wife, be and the same is hereby annulled and made void, and the parties released and discharged from the said contract, and from all the legal duties and obligations arising therefrom, as fully, effectually and absolutely, as if they never had been joined in marriage.

Andrew and
Catharine
Cubbison, divorced.

SECTION 7. That the marriage contract entered into by and between Isaac Dull, of Franklin county, and Hannah his wife, be and the same is hereby annulled and made void, and the parties released and discharged from the said contract, and

Isaac and
Hannah Dull,
divorced.

from all duties and obligations arising therefrom, as fully, effectually and absolutely, as if they had never been joined in marriage.

WM. HOPKINS,
Speaker of the House of Representatives.
 EBEN'R. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 173.]

A FURTHER SUPPLEMENT

To the act, entitled "An act to incorporate the Miners Bank of Pottsville, in Schuylkill county, passed February seven, Anno Domini, one thousand eight hundred and twenty-eight."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the charter of the Miners Bank of Pottsville, in the county of Schuylkill, shall be and the same is hereby extended and continued for the term of ten years, from the time of the expiration of the present charter, subject to all the provisions now imposed upon the said bank, by the existing laws of this commonwealth, and also subject to such further provisions as the legislature may hereafter think proper to enact for the regulation of banking institutions. Charter extended.

SECTION 2. That the said bank shall hereafter pay into the treasury of this commonwealth, in the manner now directed by law, eight per cent. on all dividends which do not exceed six per cent per annum, on dividends exceeding six per cent, and not exceeding seven per cent. per annum a tax of nine per cent on such dividends, and on dividends exceeding seven per cent per annum, and not exceeding eight per cent, the said bank shall pay a tax of ten per cent., and on dividends exceeding eight per cent per annum, a tax of eleven per cent. Dividends.

SECTION 3. The legislature hereby reserves the power to alter, revoke or annul the charter of the said bank, whenever in their opinion it may be injurious to the citizens of the Repealing clause.

commonwealth, in such manner, however, that no injustice shall be done to the corporators thereof.

SECTION 4. That hereafter if any officer in the employment of this commonwealth shall apply the money or moneys intrusted to his care, to his own use, or shall loan it to others, or in any other manner embezzle it or any part thereof, he shall be guilty of a misdemeanor in office, and on conviction thereof in the Court of Quarter Sessions of the proper county, he shall be sentenced to imprisonment at hard labor in the penitentiary of the proper district for a period of not less than two or more than five years, and to a fine of one thousand dollars.

Public officers
not to embezzle and use
public money
for private
purposes.

Penalty.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBUR, Jr.

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 174.]

AN ACT

Supplementary to an act, entitled an act to incorporate the Spring Garden Fire Insurance company, of the county of Philadelphia, passed the fifteenth day of April, eighteen hundred and thirty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That from and after the first day of May, now next ensuing, the name, style and title of "The Spring Garden Fire Insurance company," of the county of Philadelphia, shall be so altered and amended as to read "The Spring Garden Insurance company," and that from and after the day above mentioned, the said company shall be known in law, by the title of "The Spring Garden Insurance company," and that from and after the date above mentioned, the said company shall be at liberty to locate their office in any part of

Name changed.

Name.

the city or county of Philadelphia, that a majority of the Location. stockholders may direct, any prohibition in their charter to the contrary notwithstanding.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 175.]

A N A C T

To annul the marriage contract of George Lyman with Julia Ann his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the marriage contract entered into by George and between George Lyman and Julia Ann Lyman, his wife, Julia Ann be and the same is hereby annulled and made void, and the Lyman, di- parties released and discharged from the said contract, and forced. from all the legal duties and obligations arising therefrom, as fully, effectually, and absolutely, as if they had never been joined in marriage; *Provided,* That nothing herein contained shall be construed to render illegitimate the child or children of said marriage.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The sixteenth day of April, eighteen hundred and forty.

DAVID R. PORTER.

[No. 176.]

A N A C T

Relative to the Warren Bridge company.

Preamble.

WHEREAS, great irregularities have arisen in conducting the business of the Warren bridge company, from the impression of the different acts of assembly on that subject: *And whereas*, no letters patent have issued to said company, as referred by the thirtieth section of the act, passed on the thirteenth day of March, one thousand eight hundred and thirty-eight, entitled, an act to authorize the Governor to incorporate a company to erect a bridge over the Juniata river, at M'Veytown, Mifflin county, and for other purposes, but the business of said company has been conducted in the same manner as though letters patent had issued for remedy whereof.

Certain acts legalized.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That all the acts done and contracts made by the officers or persons elected as officers of the Warren bridge company, shall be as good and valid as though the persons so holding the offices had been duly and legally elected at the time of closing said acts, and all persons entering into contracts with, or subscribing stock to said company, shall be bound thereby, as fully as though the elections of said officers had been regular and valid, and all the acts done by said company, in its corporate name, shall be as valid and binding as though letters patent had been regularly issued incorporating said company, and the contracts made with said company shall in like manner be obligatory on the persons contracting, and it shall not be necessary for the Governor to issue letters patent to said company, under the provisions of the act aforesaid, but the said company shall be considered and hereby is declared to be a corporation, as fully and with like effect as though letters patent had issued by the Governor to said bridge company, under the provisions of the act aforesaid.

Letters patent unnecessary.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 177.]

A N A C T

Supplementary to the act, entitled "an act limiting the time during which judgments shall be a lien on real estate, and suits may be brought against the sureties of public officers."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That no award of arbitrators now entered, or hereafter to be entered, shall continue a lien upon the real estate of the party against whom the same shall have been made for a longer period than five years from the day on which such award shall be or shall have been entered, notwithstanding any appeal which may have been entered therefrom, unless revived within that period, according to the provisions of the act to which this is a supplement, and the supplement to the same, passed March twenty-sixth, Anno Domini, one thousand eight hundred and twenty-seven. Liens limited.

SECTION 2. This act shall not be construed to affect the lien of any award which may now be a lien on any real estate, according to the existing laws of this commonwealth: *Provided,* The lien of such award shall be revived by scire facias or agreement of the parties, filed and docketed according to the provisions of the first section of the said supplement, passed March twenty-sixth, Anno Domini, eighteen hundred and twenty-seven, as aforesaid, within three years from the passage of this act, and in all cases in which an appeal shall be taken by a defendant, in a cause from the award of arbitrators, he shall, in addition to the oath now required by law, also file an affidavit of defence, setting forth therein the ground of such defence. Not to effect former lien. Proviso. Appeal.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini; one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 178.]

A N A C T

To incorporate the Mutual Fire Insurance Company of Chester county

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the persons now desirous of forming themselves into a Mutual Fire Insurance Company, being citizens of Chester county and parts adjacent, together with such other persons as may from time to time be admitted as members thereof, in the manner hereinafter provided, shall be and they hereby are created and made a body politic and corporate, by the name, style and title of "The Mutual Fire Insurance Company of Chester county, and they and their successors are hereby ordained and declared a body politic and corporate, in fact and in law, with all the legal incidents to a corporation aggregate: *Provided,* That the real estate by them to be held, shall be only such as shall accommodate the corporation in the transaction of the business thereof, or shall be taken and held in security for the payment of debts due to the said corporation, and that no by-law to be made by the said corporation, shall be repugnant to the constitution of this State or of the United States, and the clear yearly income of the real estate hereby authorized to be held shall not exceed three thousand dollars.

SECTION 2. That on the first Monday in January next, and on the same day of each year thereafter, the members of the said corporation shall convene for the election of managers of the said company, who shall continue in office for one year and until successors are chosen, and in the event of a failure to elect on the day herein appointed, the election shall be held as soon thereafter as practicable, giving at least ten days notice of the time and place of election, and until the first election hereby authorized, and until successors shall be chosen as herein directed, Richard Barnard, Thomas W. Boyd, Enoch Harlan, John P. Phipps, John A. Love, Hays Clark, Sen. Andrew Mitchell, George Fleming, John D. Steel, Amos Fredd, Joseph M. Thompson, Henry Long, and Joshua Jackson, shall be managers of said company, with power to transact all business hereafter enjoined on the managers of the said corporation.

Company
created.
Name.

Proviso.

Security for
debts.

Annual elec-
tion.

Managers.

SECTION 3. That general meetings of the company shall be held whenever called by the board of managers, or whenever requested by twenty members, and the members shall at such general meeting pass all by-laws, rules and regulations necessary for the well government of the affairs of the said corporation or vest the power so to do in the board of managers, whenever it shall be deemed advisable to do so, and all elections shall be by ballot, each member being entitled to one vote, to be conducted by three judges, chosen by the existing board of managers for that purpose, who shall certify under their hands the result of such election, to be filed with the papers of the corporation. The managers for the time being, shall choose one of their members for president, and they shall also from time to time, as it shall be found necessary, choose a secretary and treasurer, one or more surveyors and other agents and officers, and fix their respective fees and salaries as shall be deemed necessary for the transaction of the business of the corporation, and shall have power to suspend, remove or displace all or any of the agents or officers of the company, by them to be appointed, and to supply any vacancy which may happen by death, resignation or removal, either in the board of managers, (until the next election) or in the other officers of the company, and they shall, at the annual meeting to be held for the election of managers present to the company a general statement of its affairs.

SECTION 4. That the president and managers shall have full power, on behalf of the said corporation, to make insurance against losses by fire on any house, tenement, manufactory, or other buildings; and on goods, wares, merchandize, and effects therein; and on hay, grain, and other agricultural products, in barns, stacks, or otherwise, and generally on all kinds of buildings; and of goods, wares, merchandize, and effects upon the land; and to make, execute, and perfect such, and so many contracts, bargains, agreements, policies, and other instruments, as shall or may be necessary, and as the nature of the case shall or may require; and every such contract, bargain, agreement, and policy, to be made by the said corporation, shall be in writing or in print, and shall be under the seal of the said corporation, signed by the president, and attested and signed by the secretary, or other officer who may be appointed by the president and managers for that purpose, and also by the party insured.

SECTION 5. That it shall be lawful for the said corporation to employ and improve all moneys received for premiums, and the profits thereof in the funded debt of the United States, or of any city or incorporated borough of this State, or in the stock of any chartered or incorporated bank, or in the stock or loan of any chartered or incorporated canal navigation, bridge or road company, or of any company that now is, or hereafter

may be incorporated by this State or the United States, or in the purchase of any ground rents or mortgages, or in any loans, on good and sufficient security, for answering the contingent charges of the corporation, and satisfying such losses and damages as shall happen in and to the same: *Provided*, That nothing herein contained shall in any way be construed to authorize the said company to use the funds of this institution for banking purposes.

Proviso.

SECTION 6. That the premiums paid by each and every person, shall be and remain as a pledge for the performance of his, her, or their covenants; which deposit money shall be returned to the depositor, who may withdraw from the company, his executors, administrators, or assigns, at the expiration of the policy in which it has been deposited, together with a proportionable dividend of the profits, in the meantime, after deducting losses and incidental charges; but if the deposit money shall not be demanded within three years after the expiration of a policy, the deposit money shall be forfeited for the benefit of the company.

Premiums.

SECTION 7. That in case any assured, named in any policy or contract of insurance made by the said corporation, shall sell, convey, or assign the subject insured, it shall be lawful for such assured to assign, and to deliver to the purchaser such policy or contract of insurance, and such assignee shall have all the benefit of such policy or contract of insurance, and may bring and maintain a suit in his own name: *Provided*, That before any loss happens he shall obtain the consent of the president or secretary to such assignment, and have the same endorsed on, or annexed to such policy or contract of insurance, to be according to the aforesaid directions for that purpose, and not otherwise.

Assured.

Assigns.

Proviso.]

SECTION 8. That each and every person or persons insuring in said company, shall stand bound, and be obliged to pay his, her, or their proportion, according to his, her, or their deposits, of all losses happening and incurring in and to the same, during the limit for which he, she, or they had had insured.

Insuring.

SECTION 9. That the nett profits arising by interest or otherwise, shall be ascertained yearly to every member, in proportion to his, her, or their deposit, for which each member shall have a credit in the company books, payable only at the cancelling of their policies, to such members as withdraw from the company, after deducting the proportionable share of losses and incidental charges.

Nett profits.

SECTION 10. That all and every of the members of this company who shall sustain any loss or damage by fire, shall give immediate notice to the president and managers of the company, at their office, to the end, that the managers, their officers and agents, may examine and inquire into the same.

Loss.

SECTION 11. That the managers for the time being shall, Contribution with all convenient expedition, after any loss sustained, settle a rate of contribution in proportion to the amount deposited, and publish the same in such manner as they shall think fit; and that when such rate or rates shall exceed the dividend or dividends of interests or profits on the amount of money deposited, all and every of the members of the company shall pay into the hands of the treasurer, his, her, or their proportionable part of such rate or rates, within sixty days after such publication, as aforesaid; and in default of such payment he, she, or they, and every of them making such default therein, shall forfeit and pay double the said rates; and neglecting to pay the said forfeiture for thirty days more, shall or may by the managers, for the time being, be excluded and debarred from any benefit or advantage from his, her, or their insurances respectively, and all right to the stock of this company, and shall, notwithstanding, be liable to the said rates, pursuant to his, her, or their covenants and agreements.

SECTION 12. That the managers shall have power to reward, Rewards. out of the company's stock, such as are voluntarily and use- fully active in dangerous cases to extinguish fire.

SECTION 13. That if at any time it shall appear to the legis- Repealing clause. lature that the chartered privileges hereby granted are inju- rious to the public welfare, the power thereof to repeal this act shall not, on any conditions, be denied or impaired; but such repeal shall not affect any engagements to which said company may have become a party previously thereto; and that the said company shall have a reasonable time to bring their accounts to a final settlement and termination.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, JR.

Speaker of the Senate.

APPROVED—The twenty-first day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 179.]

A N A C T

To revive and keep in force the sixth, seventh, eighth, ninth and tenth sections of an act, passed the twenty-fifth day of March, Anno Domini, one thousand eight hundred and thirty-nine, entitled an act to authorize the Governor to incorporate the President, Managers and Company of the Centreville and Donegal Clay Turnpike Road company, and for other purposes.

Sections re-
vived.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the sixth, seventh, eighth, ninth and tenth sections of an act, passed the 25th day of March, Anno Domini, eighteen hundred and thirty-nine, entitled an act to authorize the Governor to incorporate the president, managers and company of the Centreville and Donegal Clay turnpike road company, and for other purposes, be and they are hereby revived and continued in full force for the purposes therein mentioned, until the first day of April, Anno Domini, eighteen hundred and forty-one, and every thing done and performed, pursuant to the provisions of the sections above designated, is hereby declared as virtual and effective as if done within the time in said act mentioned.

Corporators.

Now Hope
Lock compy.
incorporated.

Powers and
privileges.

Duration.

SECTION 2. That Lewis S. Coryell, John H. Ingham, Joseph D. Murray, John C. Parry, Daniel Ball, and Isaac Van Horne, their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, by the name and style of the New Hope Lock company, and may employ a capital not exceeding one hundred thousand dollars, in manufacturing Balls patent locks, and for that purpose shall have like powers and immunities as are given by an act, passed June sixteenth, eighteen hundred and thirty-six, to incorporate the Franklin Tool factory, to continue in force for fourteen years from the passage of this act, and said company shall pay a tax of six per cent. on all the dividends accruing from the manufacturing of said locks, exceeding eight per cent.

in aid of a library or other literary institution, in the borough or township where said factory shall have been located.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY,

Speaker of the Senate.

APPROVED—The twenty-first day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 180.]

A N A C T

To incorporate the Jenkinstown Lyceum, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the persons now belonging to the association in the village of Jenkinstown, in the county of Montgomery, known by the name of the "Jenkinstown Lyceum," is hereby erected into a body politic and corporate in deed and in law, by the name, style and title of the Jenkinstown Lyceum, and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, and shall be able and capable in law and equity to take and hold any real estate, with a suitable building or buildings thereon, for the use of said Lyceum; which they may now own or hereafter purchase, not exceeding in value the sum of ^{Amount limited} three thousand dollars, or to lease a building for that purpose, and also to take and hold any goods and chattels, or sums of money bequeathed, given or otherwise transferred to said corporation, and the same to grant, bargain and sell for the use of the said corporation whenever they may deem proper; and generally to do all and singular the matters and things which shall be lawful for them to do, for the well being and management of the said corporation, and to promote the diffusion of useful knowledge, and the arts and sciences.

SECTION 2. The said corporation shall consist of all such ~~Members~~ persons as are now members of said association or shall here-

after be admitted as members, agreeably to the by-laws and regulations of the corporation.

Officers.

SECTION 3. The officers of said corporation shall consist of a president, a vice president, a librarian, a secretary, a corresponding secretary, and treasurer, and such other officers as the by-laws may establish; and the duties of the aforesaid officers shall be particularly enumerated in the said by-laws.

First election.

SECTION 4. The first election for officers of the corporation shall be held at the Hall of the corporation in Jenkintown on the third Monday in May next, and the officers then elected shall hold their offices until the first Friday of January next, and until successors shall be elected, and after said first election, the officers of said corporation shall be chosen by ballot at said Hall, at a general meeting of the members of said corporation on the first Friday of January, annually, and the officers then elected shall continue in office for one year, and until successors are elected.

By-laws.

SECTION 5. The said corporation shall have power at any general meeting to make such by-laws as may be deemed necessary for the good government and regulation of said corporation: *Provided*, That such by-laws are not repugnant to the constitution and laws of this State, or of the United States.

Duty of Sec'y.
Comm'th.

SECTION 6. The legislature reserves the right to alter, amend or annul this charter at any time hereafter. That the Secretary of the Commonwealth be required to furnish upon the order of any President of an Academy, Incorporated Lyceum, or Female Seminary, of this commonwealth, a state map to be specially appropriated and used for said Academy or Female Seminary, and for no other purpose.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 181.]

A FURTHER SUPPLEMENT

To the act of the thirteenth June, one thousand eight hundred and thirty-six, entitled "an act to consolidate and amend the several acts relative to a general system of education by common schools, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the school directors of every school district, which shall have accepted the common school system of education, in conjunction with such person or persons as they may associate with themselves for the purpose, to examine every person wishing to be employed as a teacher, in their district, and if found qualified and of good moral character, shall issue a certificate to the person, to that effect, naming therein, the branches which he or she is found qualified to teach, which certificate shall be signed by a majority of the acting board of directors, and that no person shall be employed as a teacher, unless he shall have procured such certificate, which shall be renewed annually.

Teachers of common schools to be examined by directors.
Certificate.

SECTION 2. That the report to the superintendent, required by the eighth section of the act to which this is a supplement, to be made by the directors of every accepting school district, on or before the first Monday in January, in each year, shall hereafter be made annually, on the first Monday in June, or as soon thereafter as practicable, and shall include the proceedings for the year ending on the first Monday in June.

School year changed to 1st Monday in June.

SECTION 3. That if at a triennial election, which may be held under existing laws in any accepting district, on the first Tuesday in May next, a majority of the votes shall be in favor of discontinuing the system in the district, such vote shall take effect from and after the expiration of the school year, which will commence on the first Monday of June, one thousand eight hundred and forty, and the tax for that year shall be levied and the schools continued, and the district shall be entitled to its share of the annual state appropriation, for that year, as if such vote had not been taken, and the directors of such district are required to call the meeting, provided for in the first part of the thirteenth section of the act to which this

Vote to discontinue school system when to take effect.

is a supplement, on the day of the next annual election for directors in the same way as if such district had never been an accepting district.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-first day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 182.]

A N A C T

To incorporate the Methodist Episcopal Church, in Pottstown, in the county of Montgomery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the Methodist Congregation of the borough of Pottstown, in the county of Montgomery, and state of Pennsylvania, be, and the same is hereby erected into a body politic and corporate, in deed and in law, by the name, style, and title, of "the trustees of the Methodist Episcopal church, in the borough of Pottstown," and by the same name, shall have perpetual succession, and be able to sue and be sued, to plead and be impleaded, in all courts of law, and elsewhere, and shall be able and capable in law, and in equity, to take and to hold to their successors, for the use of the said church, lands, tenements, goods, and chattles, of whatsoever kind, nature or quality, real, personal or mixed, which now is, or shall hereafter become the property of the said congregation, or be held for their use, by gift, grant, bargain, sale, conveyance, devise, bequest, or otherwise, from any person whomsoever, capable of making the same, and the same to grant, bargain, sell, mortgage, improve, or dispose of for the use and benefit of the said church, not exceeding two thousand dollars per annum.

SECTION 2. That the business of the said congregation shall be conducted by seven trustees, four of whom shall form a quo-

Church in-
corporated.

Name and
style.

Privileges and
franchises.

Trustees.

rum, and who shall choose from their number, a president and secretary, and may, if deemed necessary, choose a treasurer; and until others shall be chosen as hereinafter prescribed, the following named persons shall be the trustees, namely, Edmund Wells, John M. Miles, John Dougherty, Philip Kinkinner, James Wells, and Samuel Hockley, to continue in office until the first Monday in January, one thousand eight hundred and forty-two, on which day the said congregation shall elect seven persons to serve as trustees for two years, ensuing: *Proviso.* *Duties of* That if the said congregation neglect to hold an election on the day fixed; that the trustees last chosen, shall continue, and have power to act until others are elected in their stead.

SECTION 3. That if the said congregation neglect to hold their election, the trustees, or a majority of them, may appoint a subsequent time on which the election shall be held, of which, due public, and timely notice shall be given, and all elections held by said congregation, shall be conducted by the president and secretary, or in their absence, by two persons chosen from among the voters, and any member of said congregation, or other person, contributing to the amount of two dollars annually, for the support of said church, shall be entitled to vote at the election of said incorporation. *Elections how conducted.* *Who may vote.*

SECTION 4. That the said trustees, and their successors, shall have full power to enact and enforce such by-laws and ordinances, as they shall think proper, for the regulation and transaction of the business of the congregation, and to have, and use a common seal, the same to alter at their pleasure; to fix the place of holding their election as the same may be found most convenient: *Provided,* That the said by-laws and ordinances, be so framed, as to be in conformity with the rules and principles of general Methodist Episcopal church of the United States, and not repugnant to the constitution and laws of the United States, and of this state. *Ry-laws.* *Seal.* *Proviso.*

WM. HOPKINS,
Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The twenty-first day of April, eighteen hundred and forty.

DAVID R. PORTER.

AN ACT

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Stewart Turbett, James Hughes, James Thompson, Benjamin Kepner, Alexander McGonigle, and Richard D. Morrison, of Juniata county, are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned, that is to say, they shall, on or before the first Monday of May next, procure a book or books, and enter therein as follows: We, whose names are hereunto subscribed, do promise to pay to the president, managers, and company, to erect a bridge over the river Juniata, at Perrysville, in the county of Juniata, for the use of the said company; the sum of twenty-five dollars for each share of stock, set opposite our names, respectively, in such manner and proportions, and in such times and places as shall be determined by the president and managers, in pursuance of an act of the General Assembly of this Commonwealth, entitled an act, authorizing the Governor to incorporate a company, to build a bridge over the river Juniata, at Perrysville. Witness our hands this

Who may
subscribe.

day of _____ one thousand eight hundred and _____ and shall thereupon, give notice in one or more newspapers in said county, for ten days at least, of the time and places, when and where, such book or books, shall be opened to receive subscriptions for the stock of said company, at which time and places, some one, or more of the said commissioners shall attend, and shall keep open said book or books, at least six hours in every day, for three judicial days, if so many shall be necessary, and allow any one of the age of twenty-one years, to subscribe therein in his own name, or the names of any other person or persons by whom he shall be authorized to do so, for any number of shares in said stock, until one hundred and ninety shares shall be subscribed, when the books shall be closed. But if the whole number of shares should not be subscribed, the said commissioners may adjourn to such time and places as they shall think necessary, and give such further notice

as they shall think proper. And when the subscription shall amount to three hundred and ninety shares, as aforesaid, the book shall be closed: *Provided always*, That every person offering to subscribe in said book or books, in his own name, or in the name of any other person, shall at the time of subscribing, pay to the attending commissioner or commissioners, two dollars on every share so subscribed, out of which money, shall be defrayed the expenses attending the taking of such subscription, and other incidental charges; and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized; and the officers thereof chosen as is hereinafter directed: *And provided*, That no person shall be allowed on the first day said books shall be opened, to subscribe in his own name, or in the name of any other person, for more than twenty shares.

SECTION 2. When two hundred shares of the said stock shall have been subscribed, the said commissioners, or a majority of them, shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each to the governor, and thereupon, it shall and may be lawful for the governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers; and if the said subscription be not full at the time, then also, those who shall subscribe to the number aforesaid, into one body politic corporate, in deed, and in law, by the name, style, and title of the president, managers and company, of the Perrysville bridge, in the county of Juniata; and by the said name, the subscribers shall have perpetual succession, and all the privileges and franchises incident to corporations, and shall be capable of holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form, as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act, and of purchasing, and holding to them, and their successors, and assigns, and of selling, transferring, and conveying, in fee simple, or any less estate, all such lands, tenements, hereditaments, and estates, real and personal, as shall be necessary to them, in the prosecution of their work, and of suing and being sued, and doing all and every thing which a body politic or corporate may lawfully do.

SECTION 3. The first five persons named in the letters patent, as soon as conveniently can be, after receiving their charter, shall give notice, in one or more of the public papers, in the county of Juniata, of a time and place by them appointed, not less than fifteen days from the time of issuing the first notice, at which time and place, the subscribers shall proceed to organize the said corporation, and shall by a majority of votes of said subscribers present, by ballot to be delivered in person, or by proxy duly authorized, elect one president, six

Proviso.

Amount to be paid at subscribing.

Commrs. to certify number of shares.

Letters patent may issue.

Name.

Liberties and franchises.

Who shall give notice of time of organization and election.

Officers. managers, one treasurer, who shall serve until other officers shall be lawfully chosen, as hereinafter directed, and may make
 By-laws. such rules, orders, regulations and by-laws, not inconsistent with the laws of this commonwealth, as shall be found necessary for the well-ordering of the said company, and generally, to have all the powers, authorities and privileges, necessary for erecting, maintaining and keeping in repair the said bridge.

Annual meet- SECTION 4. A public meeting of the stockholders shall be
 ing and elec- held annually, at such time and places as shall be fixed by the
 tion. rules and by-laws, of said company, for the purpose of choos-
 ing officers for the ensuing year, and the transacting of such
 business as shall come before them: *Provided*, That no person
 Proviso. shall have more than ten votes at any election, or in determin-
 ing any question arising at any meeting, whatsoever number
 of shares he may be entitled to, and that every person shall be
 entitled to one vote, for every share under four shares, and one
 vote for every two shares under ten shares, and over four, and
 one vote for every five shares over ten, to ten votes, and no
 more.

Certificates. SECTION 5. The president and managers, shall procure cer-
 tificates of stock in said company, which shall be signed by the
 president, and countersigned by the treasurer, and sealed with
 the seal of the corporation, and each stockholder, shall be en-
 titled to a certificate for each share by him subscribed or held,
 by paying to the treasurer, in part of the sum due thereon, five
 dollars on each share, which certificate shall be transferable,
 either by the owner in person, or by his attorney duly authori-
 zed, in the presence of the president, or of the treasurer, for
 the time being, subject however to the payment due, or growing
 due thereon, and the person to whom the transfer shall be made,
 shall stand in the place of the former holder, and be entitled to
 the same privileges, and liable to the same responsibilities to
 the company.

Meetings how SECTION 6. The said president and managers, shall meet
 called. at such time and place, and be convened in such manner, as
 shall be prescribed by the by-laws, at which meeting, a major-
 ity shall be a quorum, who, in the absence of the president,
 may choose a chairman, and shall keep minutes of all their
 proceedings and transactions, truly inserted in a book, and at any
 such meeting a quorum being present, they shall have full power
 Power to ap- and authority to agree with, and appoint such engineers, su-
 point officers, perintendents, artists, and other officers, as they shall think ne-
 &c. cessary, for the erection of said bridge, and to fix their sala-
 ries and wages, or at their discretion, make contracts for the
 erection or construction of the same, or any part thereof, they
 shall also determine the times, manner, and proportion in which
 the stockholders shall pay the money due on their respective
 shares, draw orders on the treasurer for the money necessary
 to pay salaries, wages, and bills, for work or materials, or on

Salaries.

accounts of contracts, which orders shall be signed by the president, or in his absence, by a majority of the quorum, and countersigned by the clerk, and also, to do all matters and things as by this or the by-laws of the said company shall be committed to them.

SECTION 7. If any stockholder, after thirty days notice given in one or more newspapers in each of said counties, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay such instalment at the time appointed, every such stockholder or his assignee, shall in addition to the proportion so called for, pay at the rate of one per cent per month for every delay of such payment, and if the same, and the said additional payment shall remain unpaid for such a space of time, that the accumulated penalties shall be equal to the sum before paid, on account of such share, the same shall be forfeited to the company, and may be sold by them, to any other person or persons, willing to purchase for such price as can be obtained therefor, or the president and managers, may sue for and recover the same before any justice of the peace, or before any court of competent jurisdiction.

Penalty for
non-payment
of instalments

SECTION 8. Whenever it shall appear to the said president, managers and company, at any general or special meeting, that the said bridge cannot be completed without extending the number of shares, they shall be extended under the direction of such meeting, so far as may be necessary to complete said bridge, which additional shares shall be sold by the president and managers, and shall entitle the holder to the same rights and privileges, as those originally subscribed.

Shares may
be extended.

SECTION 9. When a safe passage may be had across said bridge, the property shall be vested in the said company, their successors, and their assigns forever; and the said company and assigns, are hereby empowered to erect gates, and to demand and receive tolls, not exceeding the following rates, viz: for every carriage of whatever description, and for the purpose of trade or agriculture, having four wheels, for each horse drawing the same ten cents, for every carriage having two wheels, for each horse drawing the same, six and a fourth cents, for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels, for each horse drawing the same, twelve and a-half cents, for every dearborne wagon drawn by one horse, twelve and a-half cents, for every chair or other two wheeled carriage of pleasure, for each horse drawing the same, twelve and a-half cents, for every sleigh or sled drawn by three horses, twenty cents, for every sleigh or sled drawn by two horses, eighteen and three fourth cents, for every sleigh or sled drawn by one horse, twelve and a half cents, for every horse, mare or gelding, without a rider, four cents, and with a rider, six and a-fourth cents, for every carriage drawn by oxen, or partly by oxen, and partly by horses to be ra-

Property to
vest in cor-
poration.

Tolls.

Proviso.

ted in the proportion of two oxen for one horse, and in all cases a mule shall be rated the same as a horse; for every score of sheep or swine, twelve and a-half cents; for every head of cattle, two cents; for every foot passenger, six and a-fourth cents: *Provided*, That the said bridge shall be so constructed as to admit any load not exceeding four tons, and not drawn by more than six horses or oxen, at all times to cross it; the said president and managers, however, to have the power to increase the rate of toll to be demanded for any carriage of burden crossing the said bridge, laden with more than four tons, to an amount not exceeding treble the above rates, and grade the rate of horses drawing the same: *And provided also*, No toll shall be demanded from any person attending funerals, divine worship, schools, or going to or returning from any militia trainings, and persons going to and from elections.

Proviso.
Exempts
from tolls.

Penalty for
exactng too
great toll.

List of rates
to be put up.

Time of com-
mencing suits
limited.

SECTION 10. If the said company, or their successors, or any person or persons, by their authority, shall collect or demand any greater toll for passing over said bridge, than what is hereinbefore prescribed and specified, or shall neglect to keep the same in good repair, or to keep a list of the rates of toll placed near the bridge, on ten days notice given by a justice of the peace of the said county, the person offending shall, for every offence, forfeit and pay the sum of five dollars, to be recoverable as debts of the same amounts are by law recoverable: one moiety thereof to the use of the poor of the county where recovered, and the other moiety to the use of the person who shall sue for the same; but no suit shall be brought unless commenced within thirty days after the offence shall have been committed.

Annual divi-
dends declared

Proviso.

Contingent
fund.

SECTION 11. The said president and managers shall keep a just and true account of all the moneys received as toll for crossing the said bridge, or otherwise; and shall make and declare a dividend of the profits and income, after deducting costs, expenses, and charges; and shall, on the first Monday of November in every year, publish the dividend to be made of the clear profits thereof amongst the stockholders, and of the time and place when and where the same to be paid, and shall cause it to be paid accordingly: *Provided*, That it shall be lawful for the said president and managers, in making and declaring any dividend, to reserve such sum or proportion of the clear yearly income, not exceeding two per cent. of the capital stock, as they may think proper to form a contingent fund, for the purpose of repairing and rebuilding the said bridge in case of decay or injury; and the same to invest on such security, or in such stock, as they shall deem safe and productive; and the interest arising from the same again to invest, and the same stock to sell or transfer at any time when the funds may be required for the purpose aforesaid.

SECTION 12. It shall be lawful for the president and managers aforesaid, to cause the toll collector or collectors to give such security for the payment of the tolls to the said president and managers, or treasurer as they may designate, and such conditions for the faithful discharge of his duty, as they shall deem proper.

Penalty for
injuring.

SECTION 13. If any person or persons shall wilfully pull down, break, injure, or destroy, any part or parts of said bridge, or any toll-house, gates, bars, or any other property of the said corporation, appertaining to, or erected for the use and convenience of said bridge, or of the person employed for the purpose of attending to the same, or shall wilfully, without the consent or order of the said corporation, deface or destroy any list of the rates of toll affixed in any place or places, for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over said bridge, or any part or parts thereof, he, she or they so offending, shall each of them forfeit and pay for each and every such offence, to the said corporation, the sum of ten dollars, to be recovered before a justice of the peace as debts of a like amount are recoverable; and if any person shall be guilty of carrying any lighted segar or pipe, or of carrying fire in any manner whatsoever over said bridge, except in a lantern, or in some vessel secured, so that the probability of setting fire to said bridge shall be fully prevented, or who shall discharge any pistol or gun, or any fire arms on or near the said bridge, so that the said bridge might by possibility be set on fire or injured by said cause, he or she so offending shall forfeit and pay to the said corporation the sum of five dollars for every such offence; to be recovered as aforesaid; but no suit shall be brought for any of the aforesaid offences, unless commenced within thirty days after it shall be known who committed said offence, and he or they so offending shall remain liable to actions at the suit of said corporation for such wrongs, if the sums herein mentioned be not sufficient to repair and satisfy said damages.

Penalty for
carrying fire
or discharging
fire arms.

Time limited
for commen-
cing action

SECTION 14. If the said company shall not proceed to carry on the said work within three years after they shall have been incorporated, or shall not within the space of four years thereafter complete the said bridge, it shall and may be lawful for the legislature of this commonwealth, to resume all and singular the rights, liberties and privileges hereby granted to the said company: *Provided also*, That the president and managers shall annually, in the month of January, publish in one or more newspapers printed in each of the aforesaid counties, a full account of the cost of building and repairing said bridge, and the amount of toll received.

Proviso.

SECTION 15. The legislature reserves the right to revoke, alter or amend the charter hereby granted, at any time they may think proper.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The 21st day of April, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 184.]

A SUPPLEMENT

To the act, entitled "An act incorporating the town of Pottsville, in Schuylkill county, into a borough."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the town council of the borough of Pottsville, shall have full power and authority to pass ordinances, rules and regulations, to regulate, grade, cut down, fill up, pave and repave, curb and recurb, form and make all and every the foot ways, side walks and gutters in the streets, lanes and alleys of the said borough, at such times and in such manner as they by ordinances may direct, and the said ordinances to execute, under the direction of such person or persons as they may appoint, and shall tax the property in front of which such foot-ways, side-walks and gutters shall be made, paved and curbed, with the expense thereof, in proportion to the extent of the same in front, which shall be a lien thereon until paid: *Provided*, That the owners of property in front of which such foot-ways, side-walks and gutters, are directed to be made as aforesaid, shall have the privilege of making the same on their own front as aforesaid, within sixty days after the publication of the ordinance requiring the same to be done, in one or more newspapers printed in the said borough, and the service of a notice in writing personally, or left at the place of abode of such owner, if a resident of the borough: *And provided*, That no person shall be compelled

Town council
to regulate
streets, &c.

Lien.

Proviso.

2d Proviso.

to pave any foot-way to a greater width than five feet in front of any vacant lot.

SECTION 2. That the corporation of the borough aforesaid, shall and may recover the expenses of cutting down, filling up, grading, paving, repaving, curbing and recurbing as aforesaid, of and from the owners of the property in front of which the same may be done, before any justice of the peace or any court having jurisdiction, in the same manner as debts of like amount are by law recoverable, or may file a lien for the same, and proceed for the recovery thereof in the manner set forth in the act relating to the liens of mechanics and others, passed June sixteen, one thousand eight hundred and thirty-six, the provisions of which are hereby extended to the work done under this act.

Expenses of curbing &c. how recovered.
May file lien

SECTION 3. That from and after the passage of this act, the qualified voters of the said borough shall, at the annual election for charter officers, elect two supervisors, one for each ward thereof, who shall hold office for one year, and all former powers delegated to the borough council for appointing the same, are hereby withdrawn and annulled.

Two supervisors to be elected-

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty eighth day of April, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 185.]

A N A C T

To authorize the Governor to contract with the corporation of the borough of Harrisburg, for supplying the public buildings with water, and for other purposes.

SECTION 1. *Be it enacted by the Senate and, House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:* That whenever the corporation of the borough of Harrisburg shall have completed the construction

Governor to contract for supplying public buildings with water.
 Proviso.

of their water works, for the introduction of water into and through said borough, the governor is hereby authorized and directed to contract, on behalf of the commonwealth, with said corporation, for supplying the public buildings on Capitol Hill, with water, for any period not exceeding five years: *Provided*, That the same shall not exceed the sum of six hundred dollars per annum.

Crawford co. Mutual Insurance comp'y

Name, style and title.

Privileges and franchises.

Seal.

SECTION 2. That John Reynolds, David Dick, Eliphalet Betts, Norman Calender, Andrew Smith, Horace Cullum, John McFarland, Edward A. Reynolds, John P. Davis, and all and every person who shall hereinafter associate with them as hereinafter provided, be and they are hereby erected into one body politic and corporate, by the name, style and title of the Crawford County Mutual Insurance Company, and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of law and equity, and to purchase, receive, hold and enjoy lands, tenements, hereditaments, goods and chattles, and choses in action, and the same from time to time to sell, demise, grant, alien or dispose of; and also to make and have a common seal, and the same to alter and renew at pleasure, and to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient to fulfil the objects of said corporation and the better government thereof, not being contrary to the constitution and laws of the United States and of this commonwealth, and generally to do all and singular the matters which may be lawfully done for the well being of said corporation, and the due management of the affairs thereof.

Board of directors.

Persons insured to be members.

Vote.

SECTION 3. The affairs of said company shall be managed by a board of directors, consisting of nine members, to be chosen annually by the said company, in Meadville, in such manner and at such time as may be prescribed by the by-laws of the company; and every person who shall insure with the said corporation, and also their heirs, executors, administrators and assigns, continually to be assigned as hereinafter provided, shall be members of said corporation during the period they shall remain insured, and every member shall be entitled to one vote for every five hundred dollars insured for him with said corporation, to the amount of five thousand dollars, at any election for directors or meeting of the company; and until the first election for directors of said company, the persons named in the first section of this act shall be the first directors.

Real Estate, how held.

SECTION 4. That said company shall not have authority to hold any real estate, except such as may be necessary for its use, in carrying on its business, and such as may be purchased bona fide for debts due, which shall be aliened by the company within five years next after every such purchase.

When policies shall be issued.

SECTION 5. No policy shall be issued by said company until application be made for insurance, for seventy-five thousand dollars at least.

SECTION 6. The said directors shall have power to elect or Officers to appoint a president, secretary and treasurer, who shall severally give bond. ly give bonds with surety, to the satisfaction of said board of directors, or a majority of them, conditioned for the faithful discharge of their trusts and duties. And the said board shall procure a book or books, wherein shall be fairly and legally entered all transactions and doings of the said board of directors, and a copy or copies thereof attested by the president and countersigned by the secretary, for the time being shall be deemed and taken as legal evidence against the said corporation of the transactions or doings of said board of directors.

SECTION 7. The directors shall determine as nearly as Rates of in-practicable, by their by-laws, the rates of insurance on the insurance. different classes of property, and the sum to be deposited for any insurance; they shall also fix the sum to be insured.

SECTION 8. Every person who shall become a member of said corporation by effecting insurance therein, shall before he receives his policy, deposit his promissory judgment note Policies. for such a sum of money as shall be determined by the directors, a part not exceeding ten per cent of said note shall be Payment of immediately paid, and the remainder of said deposite note insurance by shall be payable in part, or the whole at any time when the deposite notes directors shall deem the same requisite for the payment of loss &c. by fire, and such incidental expenses as shall be necessary for transacting the business of said corporation; and at the expiration of the time of insurance, the said note or such part of the same as shall remain unpaid, after deducting all losses and expenses during said term, shall be relinquished and given up to the maker thereof; and it shall be lawful for said company to loan such portion of their money on hand as shall not be wanted immediately, for the purposes of said corporation, to be secured by bond and mortgage on real estate of double the value of the sum loaned, above all incumbrances, for a term of time not exceeding two years, the interest to be paid half yearly, and in default of such payment, the principal as well as interest to become immediately due and collectable.

SECTION 9. And said company shall have a lien in the na-Liens. ture of a judgment waiving the right of inquisition upon all the said property of the insured, to the amount of his deposite note, or so much thereof as may be unpaid which shall continue till the amount of such note with interest and cost of execution, if any, shall have been paid or satisfied according to the provisions of this act; *Provided*, Said company shall file Proviso. in the office of the prothonotary of the county wherein such Name of in-real estate shall lie, a memorandum of the name of the indi-sured, des-vidual insured, a description of the property, the amount of-cription of deposite note unpaid, and the term for which the insurance property to be shall continue; and the prothonotary with whom the same filled in Pro-thonotary's shall be filed is hereby required forthwith to enter the same at office.

large upon his judgment docket, and the same when so entered shall be deemed and taken to be in all respects as a judgment, entered upon confession by virtue of a warrant of attorney, and execution may at any time be had thereof for so much as by virtue of the provisions of this act may be due and demandable, but the lien thereof shall commence with the filing of such memorandum in the office of the prothonotary; *Provided, further,* That such lien shall not be construed to take from such person insured, as aforesaid, the privileges of a freeholder.

2d Proviso.

Alienation of the property to make void the policy.

Proviso.

Alienee may have the policy confirmed

SECTION 10. When property insured by this corporation shall be alienated by sale, or otherwise, the policy shall therefore be void, and be surrendered to the directors of said company to be cancelled, and upon such surrender the assured shall be entitled to receive his deposit notes, with an order, signed by the president and secretary of the board of managers, directing the prothonotary in whose office a memorandum of said notes may have been entered, as hereinbefore provided, to enter satisfaction thereon; *Provided,* That the assured shall first pay his proportion of losses and expenses, if any, which have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him may have the same ratified and confirmed to him for his own proper use and benefit, upon application to the directors, and with their consent within thirty days next after such alienations, and giving proper security to the satisfaction of said directors, for such portion of the deposit or premium note as shall remain unpaid, and by such ratification and confirmation the party causing such security to be given shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party was liable and subjected to under this act.

How loss or damage is to be settled and paid, &c.

SECTION 11. The directors shall, after receiving notice of any loss or damage by fire sustained on property insured by said corporation, and ascertaining the same, or after the rendition of any judgment, as aforesaid, against said company for loss or damage, settle and determine the sums to be paid by the several members thereof as their respective proportion of such loss, and publish the same as they may see fit, or in such manner as their by-laws shall have prescribed, and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed on him as his proportion of the loss, aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes with costs of suit, or may have execution for the whole amount, as

provided for in the sixth section of this act, and the amount thus collected shall remain in the treasury of said corporation, subject to the payment of such delinquent's proportion of prior or future losses and expenses; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand; after thirty days from the expiration of the term for which insurance was made.

SECTION 12. If the available funds on hand and the amount of deposit notes should be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured by said company shall receive towards making good their respective losses a proportionate dividend of the whole amount of said deposit, according to the sums to them respectively insured, and in addition thereto, a sum to be assessed on all the members of said company, on the same principles as regulated the amounts of their respective deposit notes, but not exceeding one dollar on every hundred dollars to them respectively insured. No member shall be required to pay for any loss occasioned by fire at any one time more than one dollar on every hundred dollars insured in said company, in addition to his deposit, note, nor more than that amount for any such loss after his said note shall have been paid in and expended, but any member upon payment of the whole of his deposit note, and surrendering his policy before any subsequent expense or loss has occurred, may be discharged from said company.

If the available funds be insufficient, additional funds are to be raised to pay losses.

SECTION 13. No insurance shall be made by said company for a longer period than ten years.

Period of insurance.

SECTION 14. This act shall take effect immediately after its passage, and shall continue in force twenty years, but the legislature of this commonwealth may at any time alter, modify or annul its provisions.

Continuance of this act.

SECTION 15. That it shall be the duty of the several treasurer's of the counties of this commonwealth, to pay over to their respective successors in office, all monies paid to them for the redemption of unseated land sold for taxes, which may not have been called for by the purchasers, at treasurer's sale, or their legal representatives, during the continuance in office of such treasurer, and that the county auditors be, and they are hereby required to charge the monies so received to said treasurer, in the same manner that other money received by them is charged, and the same to be paid to said purchasers or their legal representatives when called for, by orders drawn by the commissioners of the county, upon the treasurer, as in other cases.

County treasurers to pay to their successors amount received for redemption of lands sold for taxes.

SECTION 16. That the title of the Southern Insurance company of Philadelphia shall, from the passage of this act, be known in law, by the name and style of the Southern Insurance and Trust company of Philadelphia.

Duty of co's auditors
Southern insurance co. of Phila. title changed.

Compensation to Jacob Eyster.

SECTION 17. That the State Treasurer be, and he is hereby authorized and required to pay to Jacob Eyster, late chief clerk in the Surveyor General's office, the sum of five hundred dollars, as a full compensation for his extra services, while in that situation.

Preamble.

WHEREAS by an article of agreement, made the eighteenth day of October, one thousand eight hundred and twenty-six, by William Carlisle, and Mary Carlisle his wife, with Robert Thompson, to sell and convey to the said Robert Thompson, their whole right, title, claim and interest in the real estate of Doctor Hugh Thompson, late of Peters township, Washington county, deceased, for the sum of ten dollars per acre, upon which the said Robert Thompson paid, as per the receipts of said William, endorsed on said agreement, on the day of the date of said article, two hundred and forty-five dollars, and on the day following fifty dollars: *And whereas*, it is represented that said William and Mary soon after died, without making a deed of conveyance to the said Robert Thompson, pursuant to said article of agreement: Therefore,

Administrator of Wm Carlisle de'd to make a deed to Robert Thompson.

SECTION 18. That the administrator of the said William Carlisle be, and is hereby authorized and required to make a deed, conveying to the said Robert Thompson, in fee simple, the real estate purchased by the said Robert Thompson, from the said William Carlisle and Mary his wife, by their article of agreement, dated the eighteenth day of October, one thousand eight hundred and twenty-six: *Provided*, That the said Robert Thompson shall pay, if the same is not already paid, the whole amount of the purchase money with the interest due thereon, to the said administrator, before the delivery of such deed, which money so to be paid, if any, the said administrator shall bring into the court of Common Pleas of Washington county, to be appropriate according to law, under the direction of the court: *And provided further*, That the said article of agreement shall be first proven, and entered of record in the office for recording of deeds, in the said county of Washington.

Proviso.

Purchase money and interest to be paid before delivery of deed.

2d proviso.

Title vested.

SECTION 19. That the deed made in pursuance of the eighteenth section of this act, shall vest the title to the lands thereby conveyed in the said Robert Thompson, as fully as if a deed had been duly executed and delivered to said Robert Thompson, by the said William Carlisle and Mary his wife, in their life time.

Attorney general to bring suit against Lawrence L. Minor.

SECTION 20. That the Attorney General, be and he is hereby authorized and directed to institute a suit, in the name of the commonwealth, against Lawrence L. Minor, late clerk of the Senate, in the court of Common Pleas of Dauphin county, to collect any balance or sum of money which is due from him, received on warrants drawn by the Speaker of the Senate, and not accounted for by the said Minor, and the Sheriff of the

county where the said Minor may reside, is hereby authorized and required to serve any writ or other process, which may be issued out of said court, touching or concerning said suit, and returning the said writ or process to the said court under oath.

SECTION 21. All other laws relative to the collection of said account of said Lawrence L. Minor, inconsistent with the provisions of this act, be and the same is hereby repealed. Repeal of former laws.

SECTION 22. That the Auditor General of this commonwealth, be and he is hereby authorized and required, as soon after the passing of this act, as can conveniently be done, to make out and enter in suitable books, to be by him for that purpose procured for his office, entire and distinct accounts or statements of all the several expenditures or appropriations heretofore at any time made upon the several canals, rail roads and other public improvements of this commonwealth, in such manner and form as will best show the original cost, or the amount of monies expended in their original construction, upon each and every section or portion of said public improvements, separately and collectively, so that the sum will comprise a complete statement or account of all internal improvement expenditures, whether the same be by specific appropriation or otherwise; and also in the same manner, the several amounts expended for repairs upon all or any of said public works. And it shall also be the duty of said Auditor General, and he is hereby authorized and required to keep separate and distinct accounts in manner aforesaid, of all and every expenditure hereafter made upon any of the public works, and the internal improvement fund generally, distinguishing in all cases whether the same be by or from a specific appropriation or otherwise, for which purpose the sum of two thousand dollars is hereby specifically appropriated, or so much thereof as may be found necessary for that purpose; and the sum of eight hundred dollars per annum, from the passing of this act is also hereby appropriated for the employment of a competent clerk or clerks, in the improvement fund department of said office of the Auditor General, and the further sum of two hundred and fifty dollars, per annum, is also hereby appropriated for the contingent expenses of said office, the said annual sums to be paid on the settlement of accounts as in other cases. Auditor General to keep separate ac'ts of exp'ditures &c. on public improvements
\$2,000 appropriated.
\$800 for clerk hire.
\$250 for contingent expenses.

SECTION 23. The Auditor General of this commonwealth, is hereby authorized and required to take all such legal measures as may be by him deemed expedient, to recover all monies due to the commonwealth from any and every person or persons or their sureties or legal representatives, as may be necessary, who shall or may appear upon a settlement of their accounts respectively, to be indebted to the commonwealth and for this purpose, and to enable him the better to enforce the collection of all or any of such claims, he is hereby authorized to em- To recover monies due commonwealth.

To employ
counsel.

Compensa-
tion.

Mechanics
liens limited
to interest of
persons in
possession of
property.

Preamble.

Canal com-
missioners to
examine claim
of E Ritchey.

ploy any attorney or counsel which he may deem necessary, who shall receive such compensation as may be reasonable and just, to be paid upon the settlement of the account of such attorney or counsel as in other cases.

SECTION 24. That the lien created by the act entitled "An act relating to the lien of mechanics, and others upon buildings," passed the sixteenth day of June, one thousand eight hundred and thirty-six," shall not be construed to extend to any other or greater estate in the ground on which any building may be erected, than that of the person or persons in possession at the time of commencing the said building, and at whose instance the same is erected; nor shall any other or greater estate, than that above described, be sold by virtue of any execution authorized or directed in the said act.

WHEREAS, Edward Ritchey, of the county of Clinton, hath complained that by reason of the construction of the dam across the West Branch of the river Susquehanna, at Queen's Run, a slack-water has been formed above said dam—a distance of about seven miles—which is the receptacle of large bodies of ice, which causes the water to overflow the farms situate along the pool of the dam. That the farm of the said Ritchey was overflowed and laid waste, in consequence of the erection of the said dam. That his grain in the ground, his dwelling house with its contents, his barn with its contents, his sheep and hogs drowned, his fences entirely swept away, and many other material injuries sustained by him, for which he claims remuneration from the commonwealth.

Therefore,

SECTION 25. That the Canal Commissioners be and they are hereby authorized and required to inquire into the truth of the allegations aforesaid; and if the said allegations are sustained, the said commissioners are hereby authorized to pay to the said Edward Ritchey the amount of damages which he may have thus sustained, out of any moneys appropriated for the payment of damages on the Sinnemahoning extension of the West Branch Canal.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN^R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-eighth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 186.]

AN ACT

To incorporate the New Castle Mutual Insurance Company, of Mercer county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That John Reynolds, W. Dickson, John Willson, jr., J. T. Boyd, R. W. Cunningham, C. T. Whippo, R. Cochran, W. Dickey, Joseph Kissick, James Banks, E. Sankey, and all other persons, being citizens of the United States, who may hereafter associate with them in the manner herein prescribed, shall be a corporation, by the name of the New Castle Mutual Insurance Company, for the purpose of insuring their respective dwelling houses, stores, shops and other buildings, household furniture, merchandize and other property, against loss or damage by fire. Corporators
Name and style.

SECTION 2. All persons who shall hereafter insure with the said corporation, and also their heirs and executors, administrators and assigns, continuing to be insured with said corporation hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said company, and no longer. Who shall be members.

SECTION 3. The affairs of said company shall be managed by a board of directors, consisting of nine members, chosen or appointed as hereinafter provided; all vacancies happening in said board to be filled by the remaining directors for the remainder of the year, for which they were elected, or until a new election, and a majority of the whole shall constitute a quorum for the transaction of business. The eleven persons named in the first section of this act shall be the first directors; and business of said corporation shall be done and transacted at such place in the borough of New Castle, as shall be designated by a majority of the directors present, at any regular meeting of the board; and said board shall continue in office for one year after the passage of this act, and until others are chosen in their place, which board of directors shall thereafter be elected yearly, at such time and place in the borough aforesaid, as the corporation in their by-laws shall appoint, of which election public notice shall be given, in at least one of the newspapers printed in Beaver county, and one in Mercer Affairs of co.
how to be managed.
Quorum.
First directors
To be elected annually.

county, at least thirty days immediately preceding such election; such election shall be holden under the inspection of three members, not being directors, to be appointed by the directors previous to every election, and such election shall be made by ballot, and by a plurality of the members then present, allowing to each member one vote, for every one hundred dollars insured for him with said corporation. The aforesaid directors shall elect one of their number president, they shall also elect a secretary and treasurer, who may be selected from their own number: the secretary may receive such compensation as the board may think proper: the treasurer shall give bail to the satisfaction of the board of directors.

Section 4. The directors shall determine, as nearly as practicable by their by-laws, the rates of insurance on the different classes of property, and the sum to be deposited for any insurance; they shall also fix the sum to be insured.

Section 5. Every member who shall become a member of said corporation by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such a sum of money as shall be determined by the directors, a part not exceeding ten per centum of said note shall be immediately paid, and the remainder of said deposit note shall be payable in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as shall be necessary for transacting the business of said corporation; and at the expiration of the time of insurance, the said note or such part of the same as shall remain unpaid, after deducting all losses and expenses during said term, shall be relinquished and given up to the maker thereof; and it shall be lawful for said company to loan such portion of their money on hand, as shall not be wanted immediately for the purpose of said corporation, to be secured by bond (or mortgage) on real estate of double the value of the sum loaned above all incumbrances, for a term of time not exceeding one year, the interest to be paid half yearly, and in default of such payment, the principal, as well as the interest, to become immediately due and collected.

Section 6. And said company shall have a lien in the nature of a judgment, waiving the right of inquisition upon all the said property of the insured, to the amount of his deposit note, or so much thereof as may be unpaid, which shall continue till the amount of such note, with interest and costs of execution, if any, shall have been paid or satisfied according to the provisions of this act: *Provided*, Said company shall file, in the office of the prothonotary of the county wherein such real estate shall be, a memorandum of the name of the individual insured, a description of the property, the amount of the deposit note unpaid, and the term for which the insurance shall continue; and the prothonotary with whom

the same shall be filed is hereby required, forthwith, to enter the same at large upon his judgment docket; and the same, when so entered, shall be deemed and taken to be, in all respects, as a judgment entered upon confession, by virtue of a warrant of attorney, and execution may, at any time, be had thereof, for so much as, by virtue of the provision of this act, may be due and demandable; but the lien thereof shall commence with the filing of the memorandum in the office of the prothonotary: *Provided further*, That such a lien shall not be construed to take from such person insured, as aforesaid, the privileges of a freeholder. 2d Proviso

SECTION 7. When property insured by this corporation shall be alienated by sale, or otherwise, the policy shall there- Alienation of
fore be void, and be surrendered to the directors of said com- the property to
pany to be cancelled; and upon such surrender, the assured make void the
shall be entitled to receive his deposite note, with an order, policy.
signed by the president and secretary of the board of directors, directing the prothonotary, in whose office a memorandum of said notes may have been entered, as hereinafter provided, to enter satisfaction thereon: *Provided*, That the as- Proviso.
sured shall first pay his proportion of the balance of losses and expenses, if any, which have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him, for his own proper use and benefit, upon application to the directors; Alienee may
and with their consent, within thirty days next, such aliena- have the poli-
tion, on giving security to the satisfaction of said directors, cy confirmed
for such portion of the deposite or premium note as shall re- to him.
main unpaid; and by such ratification and confirmation, the party causing such security to be given, shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party was liable and subjected to under this act.

SECTION 8. Suits at law may be maintained by said corpo- Of suits at law
ration against any of its members for the collection of said deposite notes, or for any cause relating to the business of said corporation, or against any person for moneys due said corporation, or for injury done to their corporate property, books or papers, or for causing the destruction by fire of any property by them insured, and for no other cause; but said corporation shall not hold any property, except what may be absolutely necessary for the transaction of their corporate business, unless purchased by said company for the purpose of collecting or securing debts; and property, so purchased, shall escheat to the commonwealth, unless the same shall have been sold and passed bona fide from the possession and ownership of said corporation within six years next succeeding such purchase.

SECTION 9. In case of any loss or damage by fire happen-

Loss and damage by fire. ing to any member upon property insured in and with said company, the said member shall give notice thereof, in writing to the directors, or some one of them, or to their secretary, within thirty days from the time such loss or damage may have happened; and the directors, upon view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage; and if the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees, or said party may bring an action against said company for said loss or damage, at the first court in the said county of Mercer, aforesaid, and if, upon trial of said action, a greater sum shall be recovered than the amount determined upon by the directors, the party suffering shall have judgment therefor against said company with interest thereon, from the time said loss and damage happened, and costs of suit: but if no more shall be recovered than the amount aforesaid, the said company shall recover their costs; *Provided, however,* That execution shall not issue on any judgment against said company until after the expiration of three months from the rendition thereof.

Proviso.

Proportions of loss how paid &c. SECTION 10. The directors shall after receiving notice of any loss or damage by fire sustained on property insured by said corporation, and ascertaining the same, or after the rendition of any judgment, as aforesaid, against said company for loss or damage, settle and determine the sums to be paid by the several members thereof as their respective proportions of such loss, and publish the same as they may see fit, or in such manner as their by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall, for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed on him as his proportion of the loss aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit, or may have execution for the whole amount, as provided for in the sixth section of this act; and the amount thus collected shall remain in the treasury of said corporation, subject to the payment of such delinquent's proportion of prior or future losses and expenses, and the balance, if any remain, shall be returned to the party from whom it was collected on demand, after thirty days from the expiration of the term for which insurance was made.

Sue deposit note.

Proceedings when available funds are not sufficient to

SECTION 11. If the available funds on hands and the amount of deposit notes should be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured by said company, shall receive towards making good their re-

spective losses, a proportionate dividend of the whole amount pay loss &c. of said deposit according to the sums to them respectively insured, and in addition thereto a sum to be assessed on all the members of said company, on the same principles as regulated the amounts of their respective deposit notes, but not exceeding one dollar on every one hundred dollars to them respectively insured; and no member shall be required to pay for any loss occasioned by fire, at any time more than one dollar on every hundred dollars insured by said company in addition to his deposit note, nor more than that amount for any such loss after his said note shall have been paid in and expended; but any member upon payment of the whole of his deposit note, and surrendering his policy before any subsequent expense or loss has accrued, may be discharged from said company.

SECTION 12. No policy shall be issued by said company When policy till application be made for insurance for twenty-five thousand may issue. dollars at least.

SECTION 13. Said company shall not insure property for a Insurance limited. longer period than seven years.

SECTION 14. This act shall take effect immediately after its passage, and continue in force twenty years, but the legis- Duration and lature of this commonwealth may at any time alter, modify repeal. or annul its provisions.

WM. HOPKINS,
Speaker of the House of Representatives,
W. T. ROGERS,
Speaker of the Senate.

APPROVED—The twenty-eighth day of April, eighteen hundred and forty,

DAVID R. PORTER.

[No. 187.]

A SUPPLEMENT

To the act entitled "An act changing the time for holding special courts in the fourteenth judicial district, and for other purposes," passed the sixth day of June, one thousand eight hundred and thirty-nine, and for other purposes."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the fourth section of the act entitled "An

4th section of former act repealed. act for changing the time of holding special courts in the fourteenth judicial district, and for other purposes,' passed on the sixth day of June, Anno Domini, one thousand eight hundred and thirty-nine," be and the same is hereby repealed ;

Acts relative to special courts in 10th judicial dist. revived. and all laws relative to the holding of special courts in the tenth judicial district of this commonwealth, in force at the time of the passage of the said act of the sixth of June, one thousand eight hundred and thirty-nine, are hereby revived and continued in force, as fully as if the said act had never been passed.

Certain proceedings confirmed. **SECTION 2.** That all the acts and proceedings had in any special court held in the said tenth judicial district, since the passage of the said act of the sixth of June, one thousand eight hundred and thirty-nine, before the judges duly authorized to hold said courts, before the passage of said act, be and the same are hereby ratified and confirmed, and to have the same force and effect, as if the said act of the sixth of June, one thousand eight hundred and thirty-nine had never been passed.

Appropriation to Berwick Academy. **SECTION 3.** That the fifth section of an act entitled "An act to incorporate an academy in the town of Berwick, Columbia county," passed the twenty-fifth day of June, eighteen hundred and thirty-nine," be and the same is hereby repealed.

Completion of Bald Eagle and Spring creek navigation extended. **SECTION 4.** That the time for completing the Bald Eagle and Spring Creek Navigation Company, mentioned in the twenty-fourth section of the act of the fourteenth of April, one thousand eight hundred and thirty-four, is hereby extended for a further period of five years, any thing in the said act to the contrary notwithstanding.

Certain tolls applied to repairs. **SECTION 5.** That the tolls which shall be collected by the Bald Eagle and Spring Creek Navigation Company, beyond the rates collected on the Pennsylvania Canal, shall be kept by the said company to meet extraordinary repairs, damages, and incidental expenses ; and it shall be the duty of the said company to report the amount so collected, and the manner in which the same shall have been expended, annually to the legislature.

WM. HOPKINS,
Speaker of the House of Representatives.
EB. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The twenty-eighth day of April, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 188.]

A N A C T

To incorporate an Academy in the township of Abington, Montgomery county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That there shall be, and hereby is established at ^{Academy es-}
 Abington township, in the county of Montgomery, an academy or public school for the education of youth, in the English and other languages, and in the useful arts, sciences and literature, by the name, style and title of the Abington academy, ^{established.} Name.

under the care and direction of six trustees, who, and their successors in office, shall be and are hereby declared to be one body politic and corporate, in deed and in law, by the name and style of the trustees of the Abington academy, and by the same shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere, and shall be capable in law and equity, to take and hold to them and their successors, for the use of said academy, lands, goods, chattels and moneys of every kind whatsoever, by gift, grant, conveyance, devise or bequest, from any person or persons whomsoever capable of making the same, and the same from time to time to sell, convey or dispose of for the use of said academy, and to erect or lease such buildings as may be necessary, and generally to do all and singular the matters and things which shall be lawful for them to do for the well being of the said academy, and the due management and ordering of the affairs thereof. ^{Liberties and privileges.}

SECTION 2. The first election of trustees shall take place on the second Tuesday in January, in the year one thousand eight hundred and forty-one, and on the same Tuesday thereafter annually, in the said academy, in the said township of Abington; and said election shall commence at the hour of one o'clock in the afternoon, and continue until five o'clock in the afternoon, and shall be conducted by two managers, who shall be appointed by a majority of the citizens qualified to vote, who may be present at the time of commencing said election. No person shall be allowed to be a trustee or vote, unless he be a citizen of this state, and shall have subscribed and paid to the funds of said academy the sum of fifty dollars. ^{First and annual election.}

E *

The votes shall be given by ballot, and at the first election each ticket shall be labelled on the outside, "trustees of Abington academy," and shall contain the names of six persons, and the six having the greatest number of votes, and being qualified according to the provisions of this act, shall be the trustees for the ensuing year, and until successors are elected. The managers shall certify the result of the election to each person so elected, within ten days thereafter. If from any cause, trustees should not be elected on the day herein named for that purpose in any year, the trustees then in office shall continue in office until the next annual election. The board of trustees shall have power to fill vacancies until the next annual election, and shall annually appoint president, secretary and treasurer out of their own number, and shall also have power to enact such by-laws as may be necessary, not being inconsistent with the constitution and laws of the United States, or the constitution and laws of this commonwealth. Four of the said trustees shall constitute a quorum, and a quorum may in the absence of the president, appoint a president pro tempore. The treasurer shall, before he commences the duties of his office, give a bond to said corporation, with one or more good sureties, to be approved of by a majority of the trustees for a penal sum double the estimated amount for the time being of the funds of the corporation, conditioned for the performance of the duties enjoined and the repayment of moneys received by him.

Vacancies.
President &c.
By-laws.

Quorum.

Treasurer
bond.

Duties of treasurer.

SECTION 3. The treasurer shall receive and hold all moneys belonging to the institution, and pay the same only to the order of the board, signed by the president and secretary, or by a majority of trustees, and he shall keep fair accounts thereof, to be open at all seasonable hours for the inspection of all persons who may have contributed to the funds of said institution, and shall annually, on the second Monday of January, exhibit his books, vouchers and accounts of every kind, to the persons interested in the institution for their inspection.

Trustees.

SECTION 4. Robert Steel, Joel K. Mann, Ardemus Stewart, John S. Leibart, Samuel E. Leech, Silas Yerkes, and William T. Rogers, are hereby appointed trustees of said corporation, until the first election of trustees under this act, with the same power and authority as is given to the trustees to be hereafter elected.

Repealing
clause.

SECTION 5. The legislature reserves the right of annulling the privileges hereby granted, whenever they may think the same injurious to the community.

Not to receive
annual appropriations.

SECTION 6. That nothing in this act, or any other law of this commonwealth shall entitle the institution hereby incorporated to receive the appropriation heretofore granted to female seminaries and academies, by the fourth section of the act of the twelfth day of April, eighteen hundred and thirty-

eight, entitled a supplement to an act to consolidate and amend the several acts relative to a general system of education by common schools, passed the thirteenth day of June, eighteen hundred and thirty-six.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-eighth day of April, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 189.]

A N A C T

To authorize the Governor to incorporate the Pottsville and Tuscarora Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William Wallace, Jacob Alter, Joseph Commission-
Houghawout, of Philadelphia, Samuel Bell, John Miller, ers.
John Greene, commissioners of Berks county, Jacob Olewine, Charles Ellet, Andrew B. White, Aquilla Bolton, Gideon G. Palmer, George M. Totten, John G. Hews, of the county of Schuylkill, or any two of them, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned: that is to say, that they shall, on or before the first day of December next, procure three books, one of which shall be opened at the public house of Joseph Houghawout, in Philadelphia, and one at the house To procure books.
of John Miller, in Reading, Berks county, and one at the public house of William G. Johnson, in Pottsville, Schuylkill county; in each of which they shall enter as follows: "We whose names are hereunto subscribed do promise to pay to the president and managers of the Pottsville and Tuscarora railroad company, the sum of fifty dollars for every Form of subscription.
share of stock set opposite our respective names, in such manner and proportions, and such times as shall be determined by the president and managers of the said company,

in pursuance of an act of the general assembly of this commonwealth, entitled "An act to authorize the Governor to incorporate the Pottsville and Tuscarora railroad company." Witness our hands the day of , one thousand eight hundred and ; and shall thereupon give

Notice.

notice in one newspaper printed in the county of Berks, and in one newspaper printed in the city of Philadelphia, and in one newspaper printed in the county of Schuylkill, two weeks at least of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of the said company; at which respective times and places one or more of the commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books in their own names, or in the names of any other person who shall authorize the same for shares in the said stock; and the said books shall be kept open respectively

Who may
subscribe.

3,000 shares.

for the said purpose, at least six hours in every juridical day, for the space of three days, or until there shall have been subscribed five thousand shares; and if, at the expiration of three days, the books shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of four thousand shares shall be subscribed: of which adjournment and transfer, the commissioners shall give such public notice as the occasion may require; and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided*, That no person

Proviso.

be permitted to subscribe for more than twenty shares on the first day, and not more than one hundred on the second; after which any person may subscribe for any number of shares, until the whole of the stock is taken: *And provided also*, That no subscription shall be valid, unless the person so subscribing shall pay to the said commissioners, at the time of making the same, the sum of five dollars, on each and every share, for the use of the company.

2d Proviso.

SECTION 2. That when one thousand shares or more of the said stock shall be subscribed, and the sum of five dollars paid on each and every share, as aforesaid, the commissioners, or a majority of them, shall certify to the Governor, under oath or affirmation, the names of the subscribers, and the number of shares subscribed by each, and the sum of five dollars on each share, paid at the time of subscribing; whereupon the Governor shall, by letters patent, under his hand

Letters patent.

and the seal of the commonwealth, create and erect the subscribers; and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares aforesaid, into a body politic and corporate, in deed

Style and title.

and in law, by the name, style, and title of the "Pottsville and Tuscarora railroad company," and by the same name the

subscribers shall have perpetual succession, with all the priv- Privileges and
 leges, franchises, and immunities incident to a corporation; liabilities.
 and be able to sue and be sued, implead and be impleaded, in
 all courts of record, and el-ewhere; and to purchase, receive,
 have, hold, and enjoy, to them and their successors, lands,
 tenements, and hereditaments, goods, chattels, and all estate,
 real, personal, or mixed, of what kind or quality soever;
 and the same, from time to time, to sell, exchange, mortgage,
 grant, alien, or otherwise dispose of; and to make dividends of
 such portions of the profits as they may deem proper; and
 also to make and have a common seal, and the same to alter Seal.
 and renew at pleasure; and also to ordain, establish, and put
 in execution such by-laws, ordinances, and regulations, as By-laws.
 shall appear necessary and convenient for the government of
 said corporation, not being contrary to the constitution and
 laws of the United States, or of this commonwealth; and
 generally to do all and singular the matters and things which
 to them it shall lawfully appertain to do, for the well being
 of said corporation, and the due management and ordering
 the affairs of the same: *Provided*, That nothing herein con- Proviso.
 tained shall be considered as in any way giving to the said
 corporation any banking privileges whatsoever, or any other
 liberties, privileges, or franchises, but such as may be neces-
 sary or incident to the making and maintaining of the said
 railroad, and the conveyance of passengers, and the transpor-
 tation of the mail, and of goods, merchandize, and commo-
 dities thereon.

SECTION 3. That the said named persons, or a majority of Organization.
 them, shall, as soon as conveniently may be after the said
 letters patent shall be obtained, give at least twenty days pre-
 vious notice in the newspapers hereinbefore mentioned, of
 the time and place by them appointed for the subscribers to
 meet, in order to organize the said company; to choose by a
 majority of votes of the said subscribers, by ballot to be
 given, in person or by proxy, which proxy shall have been
 obtained, and bear date within three months previously to the
 election at which such proxy shall be presented, duly autho-
 rized one president, six managers, all of whom shall be resi-
 dents of this commonwealth; a treasurer, secretary, and such
 other officers as shall be deemed necessary; that the presi-
 dent and managers aforesaid, shall conduct the business of
 said company until the second Monday of January then next,
 and until like officers shall be chosen; and may make such
 by-laws, rules, orders, and regulations, as are not inconsis-
 tent with the constitution and laws of the United States, or
 of this State, and that may be necessary for the well govern-
 ing the affairs of the said company: *Provided*, That no Proviso.
 person but a stockholder shall be eligible to the office of pre-
 sident or manager.

Annual elec-
tion.

Ratio of votes.

Proviso.

3d Proviso.

Manner of
conducting
elections.

SECTION 4. That the stockholders shall meet on the second Monday of January in every year, at such places as may be fixed upon by the by-laws, of which notice shall be given at least twenty days previous by the secretary, in the newspapers before mentioned, and choose by a majority of the votes present officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen; and at such other time as they may be summoned by the managers in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting they shall have full power and authority to make; alter or repeal, by a majority of the votes in the manner aforesaid, all such by-laws, rules, orders and regulations, as aforesaid, and to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled shall be according to the number of shares he or she shall hold, in the proportion following: For every share not exceeding two shares, one vote; for every two shares above two and not exceeding ten shares one vote; and for every five shares above ten one vote; but no share shall confer a right of suffrage which shall not have been holden three calendar months prior to the day of the election, nor unless it be holden by the person in whose name it appears, absolutely and bona fide in his own right or in that of his wife; or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society of which he or she may be a member, and not in trust for and to the use and benefit of any other person; *Provided*, That no shares held by transfer shall be entitled to vote unless the same shall have been transferred at least three months before the election, and all votes by proxy shall be on such terms and condition as are prescribed by the act passed on the twenty-eighth day of March, Anno Domini, one thousand eight hundred and twenty, entitled "An act to regulate proxies;" *And provided, also*, That no share shall be entitled to vote at any election or at any general or special meeting of said company, on which any instalment or arrearages may have been due and payable, more than thirty days previously to said election or meeting.

SECTION 5. That the election of officers provided for in the third section of this act shall be conducted in the following manner, that is to say: the managers for the time being shall appoint two of the stockholders, not being managers, to be judges of the said election, and to conduct the same, after having severally taken and subscribed an oath or affirmation before an alderman or justice of the peace, well and truly according to law to conduct such election to the best of their knowledge and abilities, and the said judges shall decide upon the qualification of voters, and when the election is closed,

shall count the votes and declare who has been elected. And if it shall at any time happen that an election of president, managers, treasurer, secretary or other officer shall not be made, the corporation shall not for that cause be dissolved, but it shall be lawful to hold and make such election of president, managers, secretary, treasurer or other officers on any day thereafter, by giving at least ten days notice, signed by the president or secretary, in the newspapers before mentioned of the time and place of holding the said election; and the president, managers, treasurer, secretary and other officers of the preceding year shall in that case continue to act, and be invested with all the powers belonging to their respective situations until an election shall take place. In the case of death, resignation, or removal from the state, of the president, managers, treasurer or secretary, his place may be filled by the board of managers until the next annual meeting.

SECTION 6. That the said president and managers shall meet at such times and places as shall be found most convenient for the transaction of their business, and when met, four shall be a quorum; who in the absence of the president may choose a chairman, and shall keep minutes of their transactions fairly entered in a book, and a quorum being formed, they shall be empowered and have authority to appoint all such surveyors, engineers, superintendents and other artists and officers, as they shall deem necessary to carry on the intended work, and to fix their salaries and wages; to ascertain the times, manner and proportions in which the said stockholders shall pay the moneys due on their respective shares; to draw orders on the treasurer for moneys, which shall be signed by the president, or, in his absence, by a majority of the managers present, and counter-signed by the secretary; and generally to do all such other acts, matters and things as by this act, and by the by-laws and regulations of the company they are hereby authorized to do.

SECTION 7. That the said president and managers first chosen shall procure certificates or evidences of stock for all the shares of the said company, and shall deliver one or more certificates, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for the number of shares by him or her subscribed or held, which certificate or evidence of stock shall be transferable at his or her pleasure, in person, or by attorney duly authorized, in the presence of the president or treasurer, one of whom shall keep a book for that purpose, subject however, to all payments due or to become due thereon, and the assignee holding any certificate having first caused the assignment to be entered in the book of the company to be kept for the transfer of stock shall be a member of the said corporation, and for every certificate assigned to him, as

aforesaid, shall be entitled to one share of the capital stock of all the estates and emoluments of the company incident to one share, and to a vote, as aforesaid, at the meetings thereof, and subject to all the penalties and forfeitures, and to be sued for all the balance and penalty due or to become due on each share as the original subscribers would have been.

Penalty for neglect to pay instalments. SECTION 8. That if after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment at the place appointed for the space of thirty days after the time so appointed, every such stockholder or his assignee, shall, in addition to the instalment so called for, pay at the rate of one per centum per month for the delay of such payment, and if the same and additional penalty shall remain unpaid for such a space of time, as that the accumulated penalty shall become equal to the sums before paid in part, on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase for such price as can be obtained for the same, or in default of payment by any stockholder of any such instalment as aforesaid, the president and managers may at their election cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid; *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due, and payable more than thirty days previously to the said election or meeting.

Forfeiture.

Proviso.

SECTION 9. That the president and managers of the said company shall demand, and require of and from the treasurer, and may demand and require of and from all and every other the officers, and other persons by them employed, bond in sufficient penalties, and with such securities as the said company shall, by their rules, orders and regulations, require for a faithful discharge of the several duties and trusts to them respectively committed.

Treasurer and other officers to give bond.

SECTION 10. That dividends of so much of the profits of the institution as shall appear advisable to the managers, shall be declared at least twice a year in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock shall never be impaired thereby. If the said managers shall make any dividend which shall impair the capital stock of said institution, the managers consenting thereto, shall be liable in their individual capacity to the said

Dividends.

Liability.

company for the amount of stock so divided, and each manager present, when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring such dividend: *Provided*, When such dividend shall exceed twelve per cent per annum, then one-half of such excess shall be paid into the state treasury, and placed to the credit of the education fund: *Provided* further, That nothing in this act shall be deemed to authorize the said company to purchase any lands, containing coal or iron ore, for the purpose of entering into the coal trade or manufacture of iron, or to engage directly or indirectly in the same.

Proviso.
Dividend not
to exceed 12
per cent.
2d Proviso.

SECTION 11. That the president and managers of the said rail road company shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for a rail road, with as many sets of tracks as they may deem necessary, beginning at or near the borough of Pottsville, and terminating at or near the town of Tuscarora, in Schuylkill county: *Provided*, That the said rail road shall not, except in deep cuts and fillings, or at points selected for depots or engine and water stations, exceed four rods in width, and that it shall not pass through any burying ground or place of public worship, or any dwelling house, without the consent of the owner thereof.

Power to locate the road.

Proviso.

SECTION 12. That the said president and managers shall have power and authority themselves, or their superintendents, engineers, artists and workmen, to enter in and upon and occupy all lands on which the said rail road or its depots and warehouses may be located, or which may be necessary for the erection of its engine and water stations, weigh-scales, or any other house necessary or useful in the construction and repairs of the said rail road, and therein to dig and embank, make and construct the same, and the said company shall pay or satisfy the owner or owners of the ground so taken and occupied as aforesaid: *Provided*, That the said company shall make compensation to the owner and owners of the lands taken up by such road, or give adequate security therefor, before such lands shall be taken or occupied as aforesaid.

To enter upon lands.

Proviso.

SECTION 13. That the president and managers, by and with their superintendents, engineers, artists, workmen and laborers, with their tools, instruments, carts, wagons and other carriages, and beasts of draught and burden, may enter upon the lands contiguous and near the said rail road, first giving notice to the owners or occupiers thereof, and from thence to take and carry away timber, stone or gravel, sand or earth, doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof: *Provided*, That the said company first pay, or secure to be paid to the

Right to enter upon lands for materials.

Proviso.

owner or owners of the lands taken up by such road, as is provided for in the twelfth section of this act.

Not to obstruct public roads.

Public causeways.

Penalty.

Proviso.

2d Proviso.

Draft.

3d Proviso.

4th Proviso.

Private causeways.

SECTION 14. That the said road shall be so constructed as not to impede or obstruct the free use or passage of any public road or roads, which may cross or enter the same. In all cases where the said railway may cross, or in any manner interfere with any existing public road, canal or slackwater navigation, the said company shall make, or cause to be made, as soon as conveniently may be, a good and sufficient causeway or causeways, to enable all persons passing or travelling such public roads, canals or slackwater navigation, to cross and pass over said rail road; and if the company shall neglect or refuse to keep such way or causeways in good repair, they shall be liable to a penalty of ten dollars for every day the same shall be so neglected or refused to be repaired, to be recovered by the supervisors of the townships, with costs, for the use of the township, as debts of like amount are by law recoverable, and shall moreover be liable to all actions at the suit of any person who may be aggrieved thereby: *Provided*, That it shall be lawful for this company, at their own proper cost and expense, to make such alterations as may appear to them to be expedient in the route and location of any state, county or township road, along which or in the immediate vicinity whereof their rail road or any part thereof, does or shall pass, and to lay out and open to such width as shall be necessary, so much or any of the said roads as shall be re-located, and such new route of any of the said roads shall be considered as a public highway, to be supported and kept in repair as other highways in this commonwealth are supported and kept in repair, and so much of the route as shall be altered shall be thereby vacated: *Provided also*, That the said company shall, within six months after the making of such alteration, report a draft and description of the same to the court of Quarter Sessions of the county of Schuylkill: *And provided further*, That any person who may consider himself injured by such alterations may recover damages for the same, and against the said corporation, in the same manner as other damages occasioned by the said rail road, as before mentioned in this act: *And provided further*, That the new road shall be made as good as that now in use, and the authority hereby granted shall not extend to authorize an interference with any company incorporated by law.

SECTION 15. That for the accommodation of all persons owning or possessing land, through which the said rail road may pass, it shall be the duty of the said company to make, or cause to be made, a good and sufficient causeway and causeways wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over the same with wagons, carts and implements of husbandry, as oc-

casion may require, and the said causeway or causeways when so made, shall be maintained and kept in good repair by said company, and if the said company shall neglect or refuse on request to make such causeway or causeways, or when made to keep the same in good order, the said company shall be liable to pay any person aggrieved thereby all damages sustained by such person, in consequence of such neglect or refusal, to be sued for, and recovered before any magistrate or court having cognizance thereof: *Provided*, That the said company shall in no case be required to make, or cause to be made, more than one causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said rail road may pass, and where any public road shall cross said rail road, the person owning or possessing land through which said public road shall pass, shall not be entitled to require the company to erect and keep in repair any causeway for the accommodation of the occupant of said land: *Provided further*, That in the event of any private bridge or causeway being converted to public use, so as to be made to accommodate a public road laid out subsequent to the passage of this act, then and in such case the company shall be forever thereafter exonerated from the duty of keeping the said bridge or causeway in repair.

Proviso.

2d Proviso.

SECTION 16. That no suit or action shall be prosecuted by any person or persons, for any penalties incurred under this act, unless such suit or action shall be commenced within twelve months next after the offence committed, or the cause of action accrued; and the defendants, in any such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Suits or actions.

SECTION 17. That in suits or actions brought against the said company, the service or process on any manager, toll-gatherer, or other officer of the company, shall be as good and available in law, as if made on the president thereof.

Process.

SECTION 18. That if any person shall wilfully and knowingly break, injure, or destroy the railroad, hereby authorized, or any part thereof, or any work, edifice, or device, or any part thereof, to be erected by the said company, in pursuance of this act, he, she, or they shall forfeit and pay to the said company three times the actual damages so sustained, to be sued for and recovered, with full costs, before any tribunal having cognizance thereof, by action in the name and for the use of the said company.

Penalty for injuring the works of the company.

SECTION 19. That if any person or persons shall wilfully or maliciously remove or destroy any of the company's constructions, or place designedly, and with evil intent, any obstruction on the line of the railroad, so as to jeopard the safety, and endanger the lives of persons travelling the

Penalty for placing obstructions on road.

Proviso.

same, such person or persons, so offending, shall be deemed guilty of a misdemeanor, and shall be adjudged on conviction, to be imprisoned in the Eastern Penitentiary of Pennsylvania, for a term not more than two years: *Provided*, That nothing herein contained shall prevent the company from pursuing any other appropriate remedy at law in such cases.

Transportation regulated.

SECTION 20. That it shall and may be lawful for the president and managers, from time to time, to ordain and establish rules and regulations for the due ordering of all travelling and transportation on the said road, and for its preservation, with power to alter, repeal, enlarge, or amend the said rules and regulations, as they may deem expedient; and that they shall have full power and authority to prescribe the kind and description of cars, carriages, or wagons to be used on the said road, for the conveyance of passengers, and the transportation of the mails or of goods, wares, merchandize, and minerals; and to regulate the speed at which they shall travel, and to adopt and enforce such rules and regulations, in relation to the transit thereof, as they may deem expedient: *Provided*, That the toll on coal, and other minerals, shall not exceed an average of two and a-half cents per ton, of two thousand two hundred and forty pounds, per mile, nor upon any other species of property an average of four cents per ton per mile, nor upon each passenger an average of two cents per mile: *Provided also*, That the charge for motive power on coal, or other minerals, shall not exceed an average of one and a-half cents per ton, of two thousand two hundred and forty pounds, per mile, nor upon any other species of property an average of two cents per ton per mile, nor upon each passenger an average of four cents per mile; and besides the tolls so to be charged, it shall be lawful for the said company to demand and receive, for the use of the collector of tolls on the said road for the time being, and as a compensation for weighing and booking all coal, or other minerals which may pass over the said road, the further sum, not exceeding the sum of one cent per cart or wagon load of the said coal, or other minerals transported on the said road; in consideration of which he shall, at all reasonable times, when so requested, exhibit to any person or persons interested therein, the account of the said coal, or other minerals so transported, as aforesaid, and deliver to him or them a certified copy thereof, without other fee or reward: *Provided further*, That the usual allowance of seven and a-half per cent for wastage shall be made on all coal transported upon the road.

Proviso.

2d Proviso.

3d Proviso.

Turn-outs

crossways &c. sary turnouts, crossings, and branch roads, for the accom-

SECTION 21. That all coal, and other mineral transported upon this road, shall be allowed to leave the same at Port Carbon or Pottsville, or between these towns; and all neces-

modation of the landing at and between those places, and all turnouts, crossings, and branch roads necessary for the accommodation of the mines along the line of the road, shall be permitted to be made at the expense of the owner or owners of said landings and mines, according to the plans and regulations of said company, and by them shall be kept in good repair and order; and if at any time the said owner or owners shall abandon the said landings or mines, or suffer the said turnouts, crossings, or branch roads, to get out of order or decay, or in any way compel the said company to be at the expense of keeping the same in repair and order, then, and in that case, it shall be lawful for the said company to remove the said turnouts, crossing, or branch road, or so much thereof as shall be to their inconvenience for the time being.

SECTION 22. That at each annual meeting of the stock-Annual exhibitors, the president and managers of the preceding year^{bit of accounts} shall exhibit to them a complete statement of the affairs and proceedings of the company for such year, and that special meetings of the stockholders may be called by order of the president and managers, or by the president, at the request of stockholders holding one fourth the amount of the capital stock in like notice, as that required for annual meetings, specifying moreover the object of the meeting; but no business shall be transacted at such meetings, except that for which it shall have been called, unless a majority in value of the stockholders shall attend in person or by proxy.

SECTION 23. That if the president and managers and company, shall not proceed to carry on the said work within two^{Time for completion} years from the passage of this act, and shall not complete the same within five years, as aforesaid, according to the true intent and meaning of this act; or if after the completion of the said road, the said company shall suffer the same to go to decay, and be impassable for the term of two years, then this charter shall become null and void, except so far as compels the said company to make reparation for damages.

SECTION 24. That if any increase of the capital stock shall be deemed necessary by the stockholders to improve or complete the said road, it may be lawful for the said president, managers, and company, at a stated or special meeting convened for the purpose, to increase the number of shares, so that the capital of the said company shall not exceed three hundred thousand dollars, and to receive and demand the moneys for shares so subscribed, in like manner, and under like penalties, as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

SECTION 25. That at the end of the third year after the charter shall be obtained, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of^{Abstract of accounts to be furnished to the legislature} the accounts of the company, showing the amount of the capi-

tal paid in, and the debts of the said company; the amounts received for tolls and transportation, and rates charged; and the amount of dividends declared; which abstract shall be verified by the oath or affirmation of the president or treasurer of said company.

May purchase
estate of
Schuylkill na-
vigation and
valley rail
road company

Proviso.

SECTION 26. That within sixty days after the said company is formed and the president and directors thereof chosen, it shall be lawful, and the president, directors and company are hereby authorized to purchase, receive and hold the estate, rights and privileges of the Schuylkill Valley Navigation and Rail Road company; *Provided*, The said Schuylkill Valley Navigation and Rail Road company shall be willing to sell the same at any price not exceeding thirty thousand dollars, and that the said president, directors and company shall not be obliged to pay in cash a greater part of the said sum than is sufficient to liquidate and pay the debts of the said Schuylkill Valley Navigation and Rail Road company, and that the residue shall be paid in stock of the said company, to be created by this act at its par value of fifty dollars per share; *Provided*, That until the rail road to be made in pursuance of this act be made and open for travel and transportation from Port Carbon to Middleport, and for one year after that time and no longer, the said company shall cause the said Schuylkill Valley Rail Road, or a substitute therefor to be kept in good order and repair for the transportation of coal and other minerals thereon, under the same penalties and restrictions as is provided in the several acts incorporating the said Schuylkill Valley Navigation and Rail Road company.

SECTION 27. That when the said rail road to be made in pursuance of this act shall be completed, according to the true intent and meaning hereof, then and from thenceforth the rights, estates and privileges that may be transferred to the said president, managers and company by the Schuylkill Valley Navigation and Rail Road company, shall cease and determine, and the said president, managers and company shall have and possess no other rights, estate and privilege than is granted to them by this act.

SECTION 28. That if the said company shall at any time misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges hereby granted to the said corporation.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-eighth day of April, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 190.]

AN ACT

To authorize Charles J. Davis, of Chester county, to sell and convey certain real estate, in Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the sam :* That it shall be the duty of the Orphan's court of Chester county, and it is hereby authorized and empowered to appoint some judicious person as trustee to act for Mary Davis, the wife of Charles J. Davis, of said county, and whenever the said Charles J. Davis shall contract for the sale of any real estate, which has or may descend to him from any of his ancestors, or which he has acquired or may acquire by devise or purchase, situate in the state of Pennsylvania, it shall be the duty of the trustee so appointed to examine the same, and if it shall appear to the said trustee that the said contract is made in good faith and not with a design to prejudice the interests of the said Mary Davis, he shall signify his assent to such contract in writing, upon any deed or deeds hereafter to be made by the said Charles J. Davis; and the deed or deeds so made and assented to by the said trustee, and acknowledged by him in the manner now required by law for the acknowledgment of deeds, shall vest the estate thereby granted by the said Charles J. Davis, in the purchaser, as fully to all intents and purposes as if the said Mary Davis were competent to execute the same, and had duly executed and acknowledged the said deed according to law, and all deeds which have been or may be made, conveying any real estate which the said Charles J. Davis heretofore owned or now owns, which have been or may be assented to, and duly acknowledged by any trustee of the said Mary Davis, appointed agreeably to the seventh section of the act, entitled an act to authorize the trustees created by the last will and testament of John Donanghey, to invest the monies belonging to the estate of the said decedent, and for other purposes, approved the eighth day of April, one thousand eight hundred and forty, shall be construed to vest the real estate so conveyed in the purchaser or purchasers thereof, as fully to all intents and purposes as if the said Mary Davis were competent to execute and acknowledge such deed, and had executed the same according to law.

Removal of
trustee.

SECTION 2. The said court shall have power, whenever it may deem it necessary to remove the said trustee, and in case of the removal, death, absence, inability or unwillingness to act of any trustee, such court shall appoint another person as trustee, and as often as in the opinion of the court occasion may require.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The fourteenth day of May, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 191.]

A N A C T

To annul the marriage contract of Robert Annors and Martha his wife.

Divorce of
Robert An-
ners and
Martha his
wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into by and between Robert Annors and Martha his wife, late Martha Pullen, of the city of Philadelphia, be and the same is hereby made void, and the parties are released and discharged from the said contract, and from all the duties and obligations arising therefrom, as fully and effectually as if they had never been joined in marriage.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The nineteenth day of May, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 192.]

A N A C T

Relative to the Sixth and Eighteenth Judicial Districts, and regulating the times of holding courts in the counties of Venango, Warren and Clarion.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That on and after the first day of June, one thousand eight hundred and forty, the county of Warren shall be attached to and form part of the sixth judicial district, and that the provisions of the act passed the twenty-third day of March, eighteen hundred and thirty-nine, establishing a district court in the counties of Erie, Crawford and Venango, shall be extended to said county of Warren, as fully and effectually as if said county had been named and embraced in said act; and that the president of said district shall hold four terms in said county of Warren, by the name and style of "The District Court of Warren county."

Warren co.
attached to
6th judicial
district.

District court
extended to
Warren co.

SECTION 2. That the terms of the District Court shall be held as follows, to wit: In the county of Venango on the second Mondays of March and June, and the fourth Mondays of October and January, in each year; and in the county of Warren on the third Monday of March, last Monday of May, and second Mondays of October and January, in each year; and that the courts of Common Pleas in and for said county of Warren shall be held on the first Mondays of March and June, third Monday of October, and fourth Monday of December, in each year.

Terms of dis-
trict court
Venango co.

Warren co.

Com. pleas of
Warren co.

SECTION 3. That from and after the first day of June, Anno Domini, eighteen hundred and forty, the county of Clarion shall be attached to and form part of the eighteenth Judicial District, and the courts of said county shall be held on the first Mondays in May, August, November and February of each year; and that the first court in said county shall be held on the first Monday in November next.

Clarion co.
attached to
18th judicial
district.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY,

Speaker of the Senate.

APPROVED—The twenty-first day of May, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 193.]

AN ACT

To incorporate the East Whiteland Presbyterian Church in Chester county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the members of the congregation of the East Whiteland Presbyterian Church, in the county of Chester, be, and they are hereby created into one body politic and corporate, in deed and in law, by the name, style and title of "The East Whiteland Presbyterian church," and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, and shall be capable in law and equity to take and hold to them and their successors, lands, tenements, goods and chattels of whatever kind, nature or quality, real, personal and mixed, which is now or shall hereafter become the property of the said church, by gift, grant, bargain and sale, conveyance, assurance, devise or bequest: *Provided,* That the clear yearly value or income of the same, beyond the salaries and expenses of said church, shall not exceed two thousand dollars.

SECTION 2. That the following articles shall form the constitution, by which the said congregation shall be governed:

ARTICLE I.

The name of the congregation shall be "The East Whiteland Presbyterian church."

ARTICLE II.

The affairs of the congregation shall be conducted by six trustees, of whom three shall form a quorum.

ARTICLE III.

The board of trustees shall be chosen from the members of the congregation in manner hereinafter specified, and shall choose from among their own number a president and secretary, in such manner, and at such times as they shall designate by their by-laws.

Church created.

Name.

Liberties and powers.

Name.

Number of trustees.

Elections and Officers.

ARTICLE IV.

In case of the removal, death or resignation, or inability to serve of any of the trustees, the vacancy or vacancies shall be supplied by the board of trustees, until the next annual election, when the said vacancy or vacancies shall be filled by the congregation.

ARTICLE V.

The board of trustees shall have power to make by-laws, not incompatible with the constitutions and laws of the United States and this state.

ARTICLE VI.

The first board of trustees shall consist of the following named persons, to wit: Penrose W. B. Clinton and John Watson, who shall serve until the third Saturday of May, eighteen hundred and forty-one; John Todd and Robert Hutchinson, who shall serve until the third Saturday of May, eighteen hundred and forty-two, and Joseph Smith and Josiah Harmer, who shall serve until the third Sunday in May, eighteen hundred and forty-three. The election for trustees shall be held annually, on the third Saturday in May, in the church, or some other suitable place appointed for the purpose, when and where two persons shall be elected to supply the place of those going out: *Provided*, That the first election for trustees shall be held on the third Saturday of May, one thousand eight hundred and forty-one.

ARTICLE VII.

The minister shall be elected by the members of the congregation entitled to vote for trustees, and the ruling elders by the communicants.

ARTICLE VIII.

The board of trustees shall, as often as they shall deem proper or designate by their by-laws, elect from the members of the congregation, one person as treasurer of the congregation.

ARTICLE IX.

No other persons than those who have contributed according to their engagements to the support of a minister, being citizens of the commonwealth of Pennsylvania, shall be considered members of this congregation for any of the purposes referred to in this constitution, except where it is otherwise expressly directed, nor shall any person, who shall not have been a member of the congregation for at least six months, be entitled to vote at any election: *Provided*, That any person otherwise qualified, may vote at any election which may be held previously to the first day of July, Anno Domini, one thousand eight hundred and forty.

ARTICLE X.

This constitution shall not be amended, except by the consent of two-thirds of the members of the congregation present at any annual meeting, nor unless the proposed amendment

shall have been read from the pulpit upon the two Sabbaths, immediately preceding the meeting.

WM. HOPKINS,

Speaker of the House of Representatives.

E. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The 21st day of May, A. D. one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 194.]

AN ACT

To establish an Academy in the borough of Hamburg, in the county of Berks.

Academy established.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,</i> That there shall be, and hereby is established in the borough of Hamburg, in the county of Berks, an academy or public school, for the education of youth in the English, and other languages, and in the useful arts, sciences, and literature, by the name, style, and title of the "Hamburg Academy," under the care and direction of six trustees, who, and their successors in office shall be, and they are hereby declared to be one body politic and corporate, in deed and in law,
Name.	by the name and style of the "Trustees of the Hamburg Academy," and by the same name shall have perpetual succession; and shall be able to sue and be sued, plead and be impleaded, in all courts of law, and elsewhere; and shall be capable in law and equity to take and hold, to them and their successors, for the use of said academy, lands, goods, chattels, and moneys of every kind whatsoever, by gift, grant, conveyance, devise, or bequest, from any person or persons, whomsoever, capable of making the same; and the same,
Liberties and franchises.	

from time to time, to sell, convey, or dispose of for the use of said academy; and to erect such buildings as may be necessary; and to make, have, and use a common seal, and the same to break or alter at pleasure; and generally to do all and singular the matters and things which shall be lawful for them to do, for the well being of the said academy, and due management and ordering of the affairs thereof. Seal.

SECTION 2. And the first election of trustees shall take place on the first Friday in August, in the year one thousand eight hundred and forty, and on the same Friday thereafter, annually, at the house of John Bailey, in the borough of Hamburg, Berks county; and the said election shall commence at the hour of one o'clock, P. M., and continue until five o'clock, P. M., and shall be conducted by two managers, who shall be appointed by a majority of the citizens qualified to vote, who may be present at the time of commencing said election; and every election thereafter shall be held at the academy, hereby incorporated. No person shall be allowed to be a trustee, or to vote, unless he be a citizen of said county, and shall have subscribed and paid to the funds of said academy, the sum of five dollars. The vote shall be given by ballot; and each ticket shall be labelled on the outside, "Trustees of Hamburg Academy;" and at the first election shall contain the names of six persons; and the six having the greatest number of votes, and being qualified according to the provisions of this act, shall be the trustees for the ensuing year, and until their successors are elected. The managers shall certify the result of the election to each person so elected. As soon as convenient after the election, the said trustees shall, by lot, divide themselves into three classes of two each. The term of office of the first class shall expire in one year after their election; that of the second in two years; and that of the third in three years; and after the first election, but two trustees shall be elected, annually, to serve for a period of three years. The board of trustees shall have power to fill vacancies; to appoint their president yearly, who shall be one of the elected trustees; and they shall have the power to enact such by-laws as may be necessary, not being inconsistent with the constitution and laws of the United States, or the constitution and laws of this commonwealth; and four of the said trustees shall constitute a quorum, and a quorum may, in the absence of the president, appoint a president pro tempore. The said board of trustees shall appoint a secretary and treasurer yearly, but they shall have power to remove either whenever a majority of the board shall think proper. The treasurer shall, before he commences the duties of his office, give a bond to said corporation, with one or more good sureties, to be approved of by a majority of the managers, for a penal sum double the estimated amount, for the Annual election.
Trustees classified.
Vacancies. President. By-laws.
Quorum.
Secretary and treasurer.
Bond.

time being, of the funds of the corporation, conditioned for the performance of his duties enjoined, and the repayment of moneys received by him.

Duties of
treasurer.

SECTION 3. The treasurer shall receive and hold all moneys belonging to the institution, and pay the same only to the order of the board, signed by the president or secretary, or by a majority of the trustees; and he shall keep fair accounts thereof, to be open at all seasonable hours for the inspection of all persons who may have contributed to the funds of said institution; and the said trustees and treasurer shall, annually, in

Exhibit their
accounts.

the month of January, exhibit all their books, vouchers, and accounts of every kind, before the said board of trustees to be settled and adjusted; and any balance found due the institution shall be entered of record in the court of common pleas of said county, and become a lien, to be collected in the same manner, and under the same regulations as other judgments are collected, saving to the accountant and the corporation

Appeal.

the right to appeal to the next court of common pleas after said report. Every trustee or treasurer who shall neglect or refuse to exhibit his books, accounts, and vouchers, as afore-

Penalty.

said, shall forfeit the sum of forty dollars, to be recovered as debts of a similar amount are now by law recoverable in any action, (brought by a person qualified to vote for trustees,) in the name of said corporation: one half to be recovered for the use of the academy, and the other half for the use of the prosecutor.

Who may be
trustees teachers
& pupils.

SECTION 4. Persons of every religious denomination shall be capable of being elected trustees, nor shall any person either as principal, teacher, tutor, or pupil, be refused admittance into the seminary, or be denied any of the privileges, immunities, or advantages thereof, for, or on account of his or her sentiments in matters of religion.

Misnomer.

SECTION 5. No misnomer of said corporation shall defeat or annul any gift, grant, devise, or bequest, to or from said corporation: *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, grant, will, or other writing, whereby any estate or interest was intended to pass to or from said corporation.

Not to receive
annual appropriation.

SECTION 6. That the said corporation shall not be entitled to receive the annual appropriation made to academies by the fourth section of an act passed the twelfth day of April, A. D. one thousand eight hundred and thirty eight, entitled "A supplement to an act to consolidate and amend the several acts relative to a general system of education by common schools," passed the thirteenth of June, A. D. eighteen hundred and thirty-six."

SECTION 7. The legislature reserves the right to revoke,

alter, or annul the charter hereby granted, at any time they may think proper. Repealing
clause.

WM. HOPKINS,
Speaker of the House of Representatives.
EB. KINGSBURY, Jr.,
Speaker of the Senate.

APPROVED—The twenty-first day of May, A. D., one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 195.]

AN ACT

To annul the marriage contract of John Zuercher, and Magdalena Zuercher, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the marriage contract entered into by and between John Zuercher, and Magdalena Zuercher, his wife, be and the same is hereby annulled and made void, and the parties released and discharged from the said contract, and from all the legal duties and obligations arising therefrom, as fully, effectually and absolutely as if they had never been joined in marriage. Divorce of
John Zuercher.

WM. HOPKINS,
Speaker of the House of Representatives.
E. KINGSBURY, Jr.,
Speaker of the Senate.

APPROVED—The twenty-first day of May, eighteen hundred and forty.

DAVID R. PORTER.

[No. 196.]

A N A C T

To incorporate the Pioneer Fire Company, in Marietta.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That James Wilson, Samuel M. Yost, Jacob Stribgen, Robert Ramsey, John Bell, John Huston, William A. Spangler, Henry Charles, Joseph T. Anderson, Samuel Algier, David Rinehart, John Park, Samuel Oberlin, John B. Maloney, Simon S. Nagle, John J. Libhart, Samuel D. Miller, Joseph Inhoff, and A. N. Cassel, and all such persons who shall be hereafter regularly admitted members of the same, according to the by-laws of the company, be and they are hereby declared to be a body politic and corporate, by the name, style and title of The Pioneer Fire company, in Marietta, and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of record or elsewhere, and to purchase, receive, hold and enjoy to them and their successors, lands, rents, annuities, franchises and hereditaments, goods and chattels, of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time to sell, grant, alien or dispose of: *Provided,* That the clear yearly income or value of the real and personal estate, and interest on money loaned shall not exceed two thousand dollars, and also have a common seal, and the same to break, alter and renew at pleasure, and also to ordain, establish and put into execution, such by-laws and regulations as shall appear necessary and convenient for said corporation, not being contrary to this act, or to the constitution of the United States or of this state, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said company, and the due management and ordering of the affairs thereof.

SECTION 2. The object of this company being for the public good, by the extinguishment of fires, the aid and benefit of its members and families in time of sickness, disability or death, the said company shall have power to create a fund for that purpose, by requiring its members, and such honorary and other members hereafter admitted, to pay such initiation fees, fines and monthly dues, and other contributions as will be re-

Company incorporated.

Name, style, and title.

Privileges and franchises.

Proviso.

Yearly income limited.
Seal.
By-laws.

Object.

quired to carry this act into effect, and pay in case of sickness, disability or death, such sum or sums, in such manner and according to such rules as the company by their by-laws may direct, and also elect annually by ballot, all officers necessary for the management of the company, subject to such rules and by-laws as may from time to time be adopted, and require the treasurer to give bond, with two sufficient sureties, to be approved of by the said company for the faithful discharge of his duties; the company shall meet at least six times, or oftener if required each year, for the purpose of exercising and examining their fire apparatus, and not be dissolved while seven members are willing to continue it: *Provided however*, That two-thirds of the members present at any meeting of the company shall have power to expel a member, after giving him notice to appear and make his defence before the company, for not complying with the provisions of this act, or by the by-laws established in accordance with it, or being guilty of other misconduct, inconsistent with the laws of the country or his duties as a member: *And provided also*, That the legislature reserve the power to alter, revoke or annul the privileges and charter hereby granted, whenever in their opinion the same may be injurious to the citizens of this commonwealth, in such manner, however, that no injustice may be done to the corporators.

Officers.

Treasurer.

Proviso.

2d Proviso.

Right to repeal.

WM. HOPKINS,

Speaker of the House of Representatives.

E. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-first day of May, eighteen hundred and forty.

DAVID R. PORTER.

[No. 197.]

A N A C T

To incorporate the Southwark Fire Engine Company of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That all and every the persons who shall at the

Company in- time of passing this act be members of the association called
 corporated. "The Southwark Fire Engine Company," shall be and they
 Name and are hereby created and declared to be one body politic and
 style. corporate, under the name, style and title of the Southwark
 Fire Engine Company, and by the same name shall have per-
 petual succession, and shall be able to sue and be sued, im-
 plead and be impleaded in all courts of record and elsewhere,
 and to purchase, receive, have, hold and enjoy to them and
 their successors, lands, tenements, rents, annuities, franchises
 Privileges and and hereditaments, goods and chattels, of what nature, kind
 franchises. or quality soever, real, personal or mixed, or choses in action,
 and the same from time to time to sell, grant, devise, alien or
 Proviso. dispose of: *Provided*, That the clear yearly value or income
 of the real and personal estate of the said corporation shall
 Yearly in- not exceed the sum of two thousand dollars, and also to make
 come limited. and have a common seal, and the same to break, alter and
 Seal. renew at pleasure, and also to ordain, establish and put in ex-
 By-laws. ecution such by-laws, ordinances and regulations as shall ap-
 pear necessary and convenient for the government of the said
 corporation, not being contrary to this charter or the constitu-
 tion and laws of this State, or of the United States, and gene-
 rally to do all and singular the matters and things which to
 them shall lawfully appertain to do, for the well-being of the
 said corporation and the due management and ordering of the
 affairs thereof.

Fundamental SECTION 2. That the following shall be the fundamental
 articles. articles of said corporation.

ARTICLE 1. The object of the company shall be the promo-
 tion of the public good by the extinguishment of fires.

ARTICLE 2. The funds of the company shall be appropri-
 ated to no other object than those for which the association
 was formed.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-fifth day of May, A. D., eighteen
 hundred and forty.

DAVID R. PORTER.

[No. 198.]

A N A C T

To incorporate the Union Library Company of Upper Dublin, in the county of Montgomery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the Union Library company of Upper Dublin, in the county of Montgomery, is hereby erected into one body politic and corporate in deed and in law by the name, style and title of the "Union Library Company of Upper Dublin," and by the same name shall have perpetual succession, be capable of suing and being sued, to have a common seal, and the same to alter or renew at pleasure, and shall be able and capable in law and equity to take and hold for the use of the said company any goods and chattels, or any sum or sums of money by gift, grant, bargain, sale, will, devise or bequest, from any person or persons whomsoever, capable of making the same, and the same to grant, bargain and sell for the use of the library, and generally to do all and singular the matters and things which shall be lawful for them to do for the well being and due management of the affairs thereof.

SECTION 2. That this corporation shall consist of all such persons as are now members, or shall be hereafter admitted as such, agreeably to the by-laws of said company.

SECTION 3. The affairs of said library company shall be conducted by six directors, who shall be chosen annually at a general meeting of the share holders, on the first Saturday of March of each and every year, and continue in office for one year, or until their successors be elected.

SECTION 4. The directors thus chosen shall next in order to proceed to the appointment of a president, secretary, treasurer, librarian, and such other officers as they may deem necessary, removable at their pleasure; and that the duties of said officers shall be particularly set forth in the by-laws of said company.

SECTION 5. That the funds of this company shall be raised by stock and instalment, and shall be exclusively appropriated to the purchasing of books and the necessary apparatus for the library, and a building to accommodate the same.

By-laws.
Proviso.

SECTION 6. That the company shall have full power at any general meeting of the share holders to make such by-laws as may be deemed necessary for its better regulation; *Provided*, Such by-laws are not repugnant to, nor inconsistent with the constitution and laws of this State or of the United States.

Right to re-
peal

SECTION 7. The legislature reserves the right to revoke, alter or annul the charter hereby granted, at any time they may think proper.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, JR.

Speaker of the Senate.

APPROVED—The twenty-fifth day of May, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 199.]

AN ACT

To incorporate the Neptune Hose Company.

Company in-
corporated.

Name style
and title.

Powers.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That all and every the persons who shall at the time of the passing of this act, be members of the association called the Neptune Hose company, in the city of Philadelphia, and such as shall hereafter be associated with them, shall be and they are hereby created and declared to be one body politic and corporate, by the name, style and title of the Neptune Hose Company, and by the same name shall sue and be sued, plead and be impleaded in all courts of record or elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements, rents, annuities, franchises, hereditaments, goods and chattels of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time to sell, grant, alien, mortgage, demise, lease or dispose of: *Provided*, That the clear yearly value or income of the real and personal estate of the said cor-

poration shall not exceed the sum of two thousand dollars; and also to make and have a common seal, and the same to break, alter and renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to this charter, or to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of said corporation, and the due management and ordering of the affairs thereof.

Yearly income limited.
Seal.
By-laws.

SECTION 2. That the following shall be the fundamental articles of the said corporation. Fundamental articles.

Article 1. The object of this company shall be the promotion of the public good by the extinguishing of fires.

Article 2. The funds of the company shall be appropriated to no other objects than those for which the association was instituted.

SECTION 3. The legislature reserves the right to alter, amend or alter this charter at any time hereafter, and the same shall not directly or indirectly be considered as conferring any other privileges than as a fire company. Right to repeal.

WM. HOPKINS,

Speaker of the House of Representatives.

E. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-fifth day of May, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 200.]

A N A C T

To incorporate the First Methodist Episcopal Church in Smithfield township, Bradford county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the members of the Methodist Episcopal Church in Church and Congregation, of Smithfield township, in said incorporated.

Name. Privileges and franchises.	<p>county, shall be and are hereby created into one body politic, by the name of the "First Society of the Methodist Episcopal Church of Smithfield," and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of law, and elsewhere; and shall be able and capable in law and equity, to take and hold, to them and their successors, for the use of the said society, one house and lot, and to enlarge and improve the same as may be directed by a majority of the society that may be present at any meeting which may be held for that purpose: of which meeting at least two weeks notice shall be given from the pulpit, or in any other way that a majority of the trustees may direct; and to finish and complete any building, as aforesaid, that may be commenced, or for the erection of which any contract or contracts may be made; and generally to do all and singular the matters and things which may be lawful for them to do, for the well being and management of the affairs thereof: <i>Provided</i>, That the clear yearly value or income of said estate shall not exceed five hundred dollars. The trustees of said society shall be three in number, and until others shall be appointed or chosen, they shall choose from their number a president and secretary, and they shall also choose a treasurer from among the society who is not a trustee, and who shall, if required by the trustees of said corporation, give sufficient security for the trust reposed in him, and shall account to said trustees for all sums of money received by him, or remaining in his hands at any time; and in case of the removal of the president, or any of the trustees, by death, resignation, or otherwise, the vacancy or vacancies shall be supplied by the remaining trustee or trustees, till the next annual election; and the following named persons shall be trustees, viz: Daniel Andrus, T. M. Beach, and William Fairman, to continue in office till the first Monday in January, one thousand eight hundred and forty-one, on which day the members of said society shall elect three trustees, to continue in office one year, or until others shall be elected or appointed to fill their places. The said trustees, and their successors, shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for the regulation and transaction of the business of the society; and to make, have, and use a common seal, and the same to break, alter, and renew at their pleasure. If the society neglect on the day of annual meeting to hold their election, the society shall not be dissolved, but the majority of the trustees may appoint any subsequent time on which the election may be held: <i>Provided</i>, That notice thereof be given from the pulpit, or in such other manner that a majority of the trustees may think proper to direct, at least two weeks before said election: <i>And provided also</i>,</p>
Proviso. Yearly income limited. Trustees.	
Continue in office.	
Power of	
By-laws.	
Seal.	
Proviso.	
2d Proviso.	

That the said by-laws and ordinances shall not be inconsistent with the constitution of this State, or of the United States: *Provided also*, That the seal of the corporation shall not be affixed to the sale of the house and lot, unless such sale be approved of at a meeting of the society, held after two weeks notice of the same shall have been given, as aforesaid; and upon two-thirds of the members present at such meeting, approving of the sale and conveyance, as aforesaid, the said trustees shall affix the corporate seal of the society to the conveyance of the said real estate, and the same shall be valid in law: *Provided*, That any person that is not a church member may become a member of said society, and eligible as a trustee, shall pay to the treasurer, for the benefit of the society, a sum not less than one dollar annually.

3d Proviso.

Sale how approved.

Proviso.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-fifth day of May, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 201.]

A N A C T

Incorporating the First Presbyterian Church and Congregation in Mount Joy, Lancaster county, and for other purposes.

WHEREAS the members of the First Presbyterian Church and Congregation, in Mount Joy, Lancaster county, have prayed for an act of incorporation for the better management of their affairs: Therefore,

Preamble

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the said corporation shall be called and known by the name, style and title of the First Presbyterian Church and Congregation of Mount Joy, Lancaster county, and by the same name shall have perpetual succession, and be

Name.

Powers and
privileges.

able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, and shall be able and capable in law, and equity, to take, hold and receive to them and their successors, for the use of the said congregation, lands, tenements, goods and chattels of whatsoever kind, nature or quality, real, personal or mixed, which is now, or shall, or may be at any time hereafter become the property of the said congregation, or be held for their use, by gifts, grants, bargain, sale, conveyance, devise, bequest, or otherwise, from any person or persons whomsoever capable of making the same, and the same to grant, bargain, sell, mortgage, improve, or dispose of, for the support of a pastor or pastors and other officers, and charitable purposes of the said congregation: *Provided*, That the clear yearly value or income of the said estates shall not exceed the sum of three thousand dollars, and shall not be appropriated to any other than benevolent or religious uses.

Income.

Trustees.
Officers.

SECTION 2. The business of the said congregation shall be conducted by five trustees, who shall choose from their number a president and secretary, and may appoint a treasurer, and such other officers as the said trustees may from time to time deem necessary for the better government of the said congregation, and until others are or shall be elected, as is hereinafter provided. The following named persons shall be the trustees,

Trustees
names.

viz: Joseph Pinckerton, David McNeely, Amos H. Slaymaker, James W. Hendrickson, and James Laird, to continue in

First election.

office until the first Monday in December next, on which day the male members of said congregation shall elect five persons as trustees to serve one year, or until their successors are elected, by ballot, and their places shall be supplied at the annual elections to be held for that purpose in each year, on the first Monday of December: *Provided*, That in case of vacancy by death or otherwise, the remaining trustees shall appoint a person to supply the same until the next election, and any male member of the said congregation of one years' full standing, and at least twenty-one years of age, and who shall have paid a sum not less than one dollar per annum for the support of said church, and who shall not be more than twelve months in arrears for pew rent at the time of an election, shall be entitled to vote for and be eligible as a trustee of the said congregation.

Annual elec-
tion.
Proviso.

Who may
vote and be
trustees.

By-laws.

SECTION 3. The said trustees, and their successors shall have full power to enact and enforce all such by-laws and ordinances, as they shall think proper, for the regulation and transaction of business of the said congregation, and to make, have and use a common seal, and the same to break, alter and renew at pleasure; to change the time and place of holding their annual elections as the same may be found convenient, and if the congregation neglect on the day of annual meeting to hold their election, the trustees may appoint any subsequent time at which such elections shall be held: *Provided*, That in all ca-

Seal.
Of elections.

Proviso.

ses notice of such elections, and the time and place where they will be held, shall be publicly given on the Sabbath day immediately after divine service, at least one week before the time of holding the same: *Provided further*, That the said corporation shall not dispose of, alien, sell, or in any way encumber the real estate belonging to said church, unless with the consent of a majority of the members of the said society, who shall meet and determine upon such sale, incumbrance or disposition as shall have been proposed: *And provided further*, That the said by-laws and ordinances, and all the acts of said corporation framed, enacted and promulgated by the same, shall be not inconsistent with the constitution and laws of the United States, or of this state.

SECTION 4. That so much of the ninth section of the act, entitled an act relating to the support and employment of the poor, passed June thirteenth, one thousand eight hundred and thirty-six, requiring persons to take a bona fide lease of real estate of the yearly value of ten dollars, be and the same is hereby repealed, so far as relates to the several wards, districts and townships, in the city and county of Philadelphia, and that hereafter the sum required in lieu thereof in any of the wards, districts and townships, in said city and county, shall be ten pounds.

SECTION 5. That when ten or more persons shall have subscribed one hundred and forty shares of the stock of the company of the President, Managers and Company of the Royer's Ford bridge, incorporated by the act, entitled an act to incorporate the Royer's Ford bridge company over the river Schuylkill, at said Ford, passed the twenty-seventh day of February, one thousand eight hundred and thirty-nine, and shall have paid fifty dollars on each share so subscribed, it shall be the duty of the county commissioners of the county of Montgomery, to subscribe for twenty shares of the stock on behalf of said county, and it shall also be the duty of the county commissioners of the county of Chester to subscribe, on the part of said county, for twenty shares of the stock of said company. the subscriptions on the part of said counties to be paid by orders drawn on the treasurer of the said counties respectively, within twenty days after subscribing, if the piers and abutments of said bridge shall then be completed, and if not, then within twenty days after completing the same. And the commissioners of the county of Montgomery are hereby authorized, if they deem it necessary, to sell and transfer the stock now held by them, on behalf of said county, in the company incorporated to erect a permanent bridge over the river Schuylkill, opposite De Kalb street, in the borough of Norristown, to raise funds toward the payment of the said subscription on their part, or to sell so much of said stock as they think necessary for such purpose, and the subscriptions and payment so made on the

part of the said counties, shall for every share subscribed by them
 Shares to vest in county. vest in such county commissioners, and their successors, for the use of the county, all the rights and emoluments appertaining to a share or shares as those held by individual stockholders, and the commissioners of each county shall, and they are hereby authorized to appoint a manager in said county, at such time as they think proper, and remove the same and appoint another in his place whenever they may deem it necessary, and the managers so appointed shall have all the rights, privileges and authority of managers chosen by the stockholders, agreeably to the act of incorporation, and the board shall consist of eight managers, five of whom, including one of said county managers, shall constitute a quorum for the transaction of business.

County manager how appointed.

Board.

WM. HOPKINS,

Speaker of the House of Representatives.

E. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-fifth day of May, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 202.]

A N A C T

To incorporate the French Creek Bridge Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Edward Pearce, Wm. Henry, Saml. F. Dale, James Kinncar, Hugh M'Clelland, and Jno. Evans, be, and they are hereby appointed commissioners, to do and perform the several duties hereinafter named, they or any three of them shall, on or before the first day of March next, procure one or more books, and therein enter as follows: We, whose names are hereunto subscribed, do promise to pay to the president, managers, and company, for erecting a bridge over French creek, at the town of Franklin, where the Warren and Franklin turnpike road strikes said creek, the sum of twenty

Commiss.

To procure books.

Form of subscription.

dollars for every share of stock, in the said company, set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers, in pursuance of an act of the General Assembly, authorizing the Governor to incorporate a company, to erect a toll bridge over French creek, at the town of Franklin. Witness our hands this day of , Anno Domini, eighteen hundred and forty, and shall thereupon proceed to receive subscriptions for the stock of said company, at such times and places as they shall think proper.

SECTION 2. When fifty or more shares of stock shall have been subscribed, the said commissioners, or any three of them, shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed, and thereupon, it shall and may be lawful for the governor, by letters patent, under his hand and the seal of the state, to create and erect the said subscribers, and those who may afterwards subscribe into one body politic and corporate, in deed and in law, by the name, style, and title of "The French creek bridge," and by the said name, the said subscribers shall have perpetual succession, and all privileges and purchases incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfil the intent of this act, and of taking, purchasing, and holding to them, and their successors, in fee simple, or for any less estate, all such lands, tenements, hereditaments, and estates, real and personal, as shall be necessary and convenient to them, in the prosecution of their works, and the same to sell and dispose of at their pleasure, of suing and being sued, and of doing all and every matter or thing which a body corporate or body politic may lawfully do.

SECTION 3. A majority of persons named in the letters patent, shall, as soon as conveniently may be, after receiving the same, give notice in any one or two newspapers of the county of Venango, of the time and place by them appointed, not less than twenty days from the time of issuing the first notice, of which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot in person, one president and two managers, and such other officers as they may think necessary to conduct the business of said company for one year, and until other officers shall be chosen, and may make such by-laws, rules and regulations, not inconsistent with the laws of this commonwealth, as shall be necessary for the well ordering the affairs of the said company: *Provided*, That each subscriber holding one share shall be entitled to one vote,

Letters patent

Name, style

and title.

Privileges.

Election of

officers.

Proviso.

three shares shall entitle the holder to two votes, five shares shall entitle the holder to four votes, and ten shares shall entitle the holder to five votes, and that no number of shares over ten, shall entitle the holder thereof to more than five votes, and to have like powers, authorities and privileges for erecting and completing said bridge, not otherwise provided for in this act, and to be subject to all the duties, restrictions, penalties, fines and forfeitures, as are granted and imposed by an act entitled "An act incorporating the Franklin Bridge Company," passed the twenty-fourth day of March, one thousand eight hundred and seventeen.

Certificates of stock. SECTION 4. The president and managers shall procure certificates of stock in the said company, which shall be signed by the president and countersigned by the treasurer, and each stockholder shall be entitled to a certificate for each share by him subscribed or held, by paying to the treasurer, in part, for the sum due thereon five dollars on each share, which certificates shall be transferable on the books of said company, either by the owner in person, or by attorney duly authorized, in the presence of the president or treasurer for the time being, subject however, to the payment due or growing due thereon, and the person to whom such transfer shall be made shall stand in the place of the former holder, and be entitled to the privileges, and be liable to the same responsibility to the company.

Authority to enter upon lands &c. SECTION 5. It shall and may be lawful for the said president and managers, by and with their superintendents, engineer and persons with whom they may contract for the erection of any part of said bridge, their artists, workmen and laborers, with tools and instruments, carts, wagons, boats and other carriages, and beasts of draught or burden, to enter in and upon the lands and shores of the creek contiguous thereto, and near to which the said bridge shall be built, first giving notice to the owners or keepers thereof, and doing as little damage as possible, and to cut down, dig, take and carry away any timber, sand, stone, earth or other materials necessary or suitable for the building of said bridge and keeping the same in repair:

Proviso. *Provided*, That in case of disagreement with the owner or owners about the value of the said materials and damages done as aforesaid, the like proceedings in like manner shall be had by the parties as is provided by the eleventh section of an act entitled "An act authorizing the governor to incorporate the Hanover and Codorus rail road company," except that the jury or men appointed shall be of the county of Venango:

2d Proviso. *Provided also*, That nothing herein contained shall give said company the right of interfering with or injuring any of the public works contiguous or near said bridge, nor in any way stop, injure or interrupt the navigation of said French Creek,

or prevent or impede rafts, boats or other crafts from passing up and down the said creek or crossing the same.

SECTION 6. If the said company shall not proceed to carry on the said work within one year after they shall have been incorporated, or shall not within the space of two years therefrom complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, liberties and privileges hereby granted to the said company.

Time for
commencing
and complet-
ing the work.

SECTION 7. That when a good and substantial bridge is erected over French creek, as aforesaid, the property shall be vested in the said company, their successors and assigns, they may demand and receive toll from travellers, and others, agreeably to the following rates, to wit: For every carriage, of whatever description, used for the purpose of trade or agriculture, having four wheels, and drawn by six horses, sixty-two and a-half cents; for every such carriage as above, having four wheels, and drawn by five horses, fifty cents; for every such carriage with four wheels, and drawn by four horses, forty-four cents; for every such carriage drawn by three horses, thirty seven and a half cents; for every such carriage drawn by two horses, twenty-five cents; for every such carriage drawn by one horse, twelve and a-half cents; for every such carriage used for personal accommodation or pleasure, having four wheels, and drawn by four horses, fifty cents; for every such carriage having four wheels, and drawn by two horses, thirty-seven and a-half cents; for every such carriage having four wheels, and drawn by one horse, twenty-five cents; for every chaise, riding chair, or sulkey, for each horse used therein, twelve and a-half cents; for every sled used for the purpose of trade or agriculture, drawn by two horses, twelve and a-half cents; for every additional horse three cents; for every such sled drawn by one horse, ten cents; for every pleasure sleigh drawn by one horse, twelve and a-half cents; for every additional horse five cents; for every horse and rider five cents; for every foot passenger two cents; for every head of horned cattle one cent; for every head of sheep or swine five mills; and in fixing the toll of all carriages to be drawn by oxen, and partly by oxen, and partly by horses, two oxen to be estimated equal to one horse; a mule to be estimated as a horse: *Provided*, That any person or persons attending funerals, any detachment of militia of this State, or militia attending on days of training, persons attending elections, all persons going to or returning from divine service, and students and children of any school shall, at all times, be suffered to pass said bridge toll free.

When tolls
may be receiv-
ed.

Rates.

Proviso.

SECTION 8. It shall be lawful for the commissioners of the county of Venango to purchase, for the use of said county, from said company, the said bridge, on payment to the cor-

Commrs. of
Venango co.
may purchase
bridge.

porators of the sum by them expended, with legal interest thereon; and the privileges hereby granted to said corporators shall, on payment, as aforesaid, be exercised and enjoyed by said commissioners, for the use of the county aforesaid.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-fifth day of May, A. D., one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 203.]

AN ACT

To incorporate the president and managers of the Armstrong, Jefferson and Clearfield Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That James Kerr, Hance Robinson, Jacob Miller, of the county of Armstrong, and Hiram Wilson, William Jack, John Dougherty, Jacob Shaffer, of the county of Jefferson, and Isaac Horton, Daniel Oyster, Uriah Rogers, Jonathan Nichols, of the county of Clearfield, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say, they shall on or before the first Monday of November next procure two books, and in each of them enter as follows: We, whose names are hereunto subscribed do promise to pay to the president and managers of the Armstrong, Jefferson and Clearfield turnpike road company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company in pursuance of an act of the General Assembly of this common-

Commrs.

To procure books.

Form of subscription.

wealth, entitled an act to incorporate the president and managers of the Armstrong, Jefferson and Clearfield turnpike road company. Witness our hands the day of in Notice, the year of our Lord one thousand eight hundred and forty. And thereupon shall give notice in three papers printed in the counties of Armstrong, Jefferson and Clearfield, for twenty-one days at least, of the time and places when and where the said books shall be opened to receive subscriptions for the stock of the said company ; at which times and places one of the said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in said books in their own names, or in the name or names of ^{Who may subscribe.} any other persons who shall duly authorize the same, for any number of shares of said stock, and the said books shall be kept open respectively for the purposes aforesaid, at least six hours in every juridical day, for the space of three days, or until the said books shall have two hundred shares therein subscribed. And if at the expiration of the said three days, the books aforesaid shall not have the said number of two ^{Number of shares.} hundred shares therein subscribed, the commissioners respectively may adjourn from time to time, and transfer the said books from place to place, until the whole number of shares shall be subscribed ; of which adjournment and transfer the commissioners aforesaid, shall give such public notice as the occasion may require, and when the whole number of shares subscribed shall amount to two hundred, the same shall be closed ; *Provided, always,* That every person offering to ^{Provide.} subscribe in said books in his own or any other name, shall previously pay to the attending commissioner or commtssioners the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

SECTION 2. When twenty persons or more shall have subscribed one hundred shares of the said stock, the said commissioners respectively may, or when the whole number of ^{When 100 shares are subscribed.} shares aforesaid shall be subscribed they shall, certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each to the governor of this commonwealth, whereupon it shall and may be lawful for the governor, by letters patent under his hand and seal of state, to ^{Gov. to issue letters patent} create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of " The President and Managers of the Armstrong, Jefferson and Clearfield Turnpike Road company ;" and by the said name the said ^{Name, style, and title.}

Privileges and franchises.

subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them, their successors and assigns, and selling, transferring, and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Organization of company.

Officers to be chosen.

By-laws.

Proviso.

Ratio of votes

SECTION 3. The commissioners aforesaid as soon as conveniently may be, after the said letters patent shall be sealed and obtained, shall give public notice in three or more public papers printed in the counties of Armstrong, Jefferson and Clearfield, of a time and place by them to be appointed, not less than twenty-one days from the time of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the subscribers, by ballot, to be delivered in person, one president, ten managers, one treasurer, and such other officers as may be necessary to conduct the business of said company until the first Monday in November next, and until such other officers shall be chosen, and shall and may make such by-laws, orders and regulations, not inconsistent with the constitution and laws of this commonwealth, or of the United States, as shall be necessary for the well ordering of the affairs of said company; *Provided, always,* That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number.

Annual meeting.

SECTION 4. The said company shall meet on the first Monday of November, in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations made as aforesaid, and to do and perform any other corporate act.

Certificates of stock.

SECTION 5. The president and managers first to be chosen as aforesaid, shall procure certificates, to be written or printed,

for all the shares of the said stock of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held, which certificate shall be transferable at his pleasure, in person or by attorney, in the presence of the president or treasurer, subject however, to all payments due and to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for that purpose, shall be a member of said corporation, and for every certificate by him held shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

SECTION 6. If after thirty days notice, in three or more of the public newspapers printed in the counties of Armstrong, Jefferson, and Clearfield, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay any such proportion or dividend, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the dividends so called for, pay at the rate of five per cent. per month for delay of such payment; and if the same, and the said additional penalty, shall remain unpaid for such space of time, as that the accumulated penalties shall become equal to the sums before paid in part, and on account of such shares, the same shall be forfeited to the said company, and may and shall be sold to any person or persons willing to purchase, for such price as can be obtained for the same.

SECTION 7. The said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met, six members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being formed, they shall have power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers, as they shall deem necessary to carry on their intended works, and fix their salaries and wages; to ascertain the times when, and the manner and proportion in which the stockholders shall pay the moneys due on their respective shares, in order to carry on the work; to draw orders on the treasurer for moneys necessary to pay the salaries and wages of persons by them employed, and for labor done and materials provided in the prosecution of the work; which orders shall be entered on their book of minutes, and shall be signed by the president, or in his absence by a majority of a quorum, and counter-

Transferable.

Penalty for neglect to pay instalments.

Duties of president and managers.

To appoint artists &c.

To draw orders on the treasurer.

signed by their secretary, and generally to do all such other acts, matters, and things, as by this act and the by-laws, rules, orders, and regulations of the company, shall be committed to them.

SECTION 8. The said road shall connect at the northern termination of the Freeport and Kittanning turnpike road, on the top of the Mahoning hills, and continue by the most practicable route, via the borough of Brookville, in Jefferson county, and the Brundy Camp, to the Milesburg and Smethport turnpike road, at or near Ridgway, in Jefferson county.

SECTION 9. The president and managers and company shall cause a road to be laid out, of not less than fifty feet, in such manner, as that the present buildings on said road be not injured, and at least twenty feet thereof to be made a good and substantial turnpike road, to secure a firm, and as near as the materials will admit, of an even surface, and so nearly level in its progress, as that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line, and shall forever after maintain and keep the same in good and perfect order from the place of beginning, at the north termination of the Freeport and Kittanning turnpike road, to the termination thereof, at the Milesburg and Smethport turnpike aforesaid; and the president and managers and company shall have power to erect permanent bridges over all the waters crossing the said road.

SECTION 10. So soon as the president, managers, and company, shall have perfected the said road, from the top of Mahoning hills, the distance of two miles, and also when they shall have completed the remainder of the distance, to the Milesburg and Smethport turnpike, they shall give notice thereof to the Governor of the commonwealth, who shall thereupon, forthwith, nominate and appoint three disinterested persons to view and examine the same, and report to him in writing, whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act; and if their report shall in either case be in the affirmative, then the Governor shall, by license under his hand and the lesser seal of the commonwealth, permit and suffer said president, managers, and company, to erect and fix so many gates and turnpikes upon and across the said road, as will be necessary and sufficient to collect the toll and duties hereinafter granted to the said company, from all persons travelling on the same with horses, cattle, carts, and carriages: *Provided*, That all persons attending funerals, or places of worship, their horses and carriages shall be exempt from the payment of tolls in going to and returning therefrom.

SECTION 11. When the said company is licensed in manner aforesaid, it shall and may be lawful for them to appoint such,

Commence-
ment and ter-
mination of
road.

Width of
road &c.

To erect
bridges.

Governor to
appoint view-
ers.

To license
company.

Proviso.

Toll gatherers

and so many toll-gatherers, as they shall think proper, to collect and receive of and from all and every person or persons using the said road, the tolls and rates hereinafter mentioned; and to stop any person riding, leading, or driving any horses, cattle, hogs, sheep, coach, coachee, sulkey, chair, chaise, phaeton, cart, wagon, train, sleigh, sled, or any other carriage of burden or pleasure, from passing through the said turn-pikes, until they shall respectively have paid the same: that is to say, for every five miles in length of the said road, completed and licensed, as aforesaid, the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs, or cattle, to wit: For every score of hogs, six cents; for every score of sheep six cents; for every score of cattle twelve cents; for every horse and his rider, or led horse, three cents; for every sulkey, chair, or chaise, with one horse and two wheels, six cents; and with two horses nine cents; for every chariot, coach, phaeton, or dearborn, with one horse and four wheels, eight cents; for every coach, chariot, phaeton, or chaise, with two horses and four wheels, twelve cents; for either of the carriages last mentioned, with four horses, twenty cents; for every other carriage of pleasure, under whatever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every stage wagon with two horses, twelve cents; and for every such wagon with four horses, twenty cents; for every sleigh, three cents for each horse drawing the same; and for every sled, two cents for each horse drawing the same; for every cart or wagon whose wheels shall not exceed four inches, six and a-quarter cents for each horse drawing the same; and for every cart or wagon whose wheels shall exceed four inches, and not exceed seven inches, three cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches, and not more than ten inches, and being of the breadth of ten inches, shall roll more than ten inches, two cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches, and not exceeding twelve inches, or being ten inches, shall roll more than fifteen inches, one cent for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than twelve inches, one cent for every horse drawing the same; and if any person or persons shall represent to the said company, or any of their officers, that he, she, or they have travelled a less distance than he, she, or they have actually travelled along said road, with intent to defraud said company of its toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of said company, the sum of five dollars; and if any toll-gatherer shall demand and receive toll for a greater distance

Tolls.

Penalty for
evading pay-
ment.

Penalty for
exacting great-
er toll than
authorized

Carriages
drawn by ox-
en &c.

Neglect to
keep road in
repair.

Manner of
proceeding
against com-
pany.

than the person of whom such toll is demanded shall have travelled along said road, or shall demand and receive greater toll from any person or persons than such toll gatherer is authorized to demand and receive by virtue of this act, such toll gatherers shall forfeit and pay the sum of ten dollars for every such offence, to the use of the poor of the township in which the forfeiture is incurred, and for the payment of which the said company shall be responsible.

SECTION 12. All such carriages as aforesaid, to be drawn by oxen in the whole, or partly by horses and partly by oxen, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse.

SECTION 13. If the said company shall neglect to keep the said road in good and perfect order for the space of ten days, and information thereof shall be given to any justice of the peace of the neighborhood, within the county where the repair ought to be made, such justice shall issue a precept to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time in said precept, to be mentioned at the place in the said road which shall be complained of, which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, within the said county, and the said justice shall at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road, or any part thereof, is in such good and perfect order and repair as aforesaid, shall cause an inquisition to be made under the hands of himself and a majority of the said persons, and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates, between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid; and if the same shall not be so put into good and perfect order and repair, before the next general court of quarter sessions of the peace, to be held for the county in which the defect is proved to be aforesaid, justices shall certify and send a copy of the inquisition aforesaid to the justices of the said court, and the said justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company, with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon as in cases of supervisors of the highways for neglect of their duty, and if the person or persons entrusted by the said company aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall

give judgment according to the nature and aggravation of the neglect as according to right and justice, would be proper in the case of supervisors of the highways neglecting their duties, and the fines and penalties so to be imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

SECTION 14. If any person or persons whosoever owning, riding in or driving any sulky, chair or chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriage of burden, or pleasure riding, or leading any horse, mule, mare or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gates or bars along, or over any private gates or private bars, or along or over any private passage, way or ground, near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid the payment of toll or duty, for passing through any such gate or turnpike, or if any person or persons shall with such intent, take off or cause to be taken off, any horse, mule, mare or gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons in all or every or any of the ways or manners aforesaid offending, shall for every such offence, respectively, forfeit and pay to the president and managers and company of the Armstrong, Jefferson and Clearfield turnpike road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit, before any justice of the peace in like manner, and subject to the same rules and regulations as debts of a similar amount are by law sued for and recovered: *Provided always*, That if any person or persons shall be prosecuted under this section of this act, and the said prosecution shall not be sustained on the part of the prosecutors, then in that case the person or persons prosecuted as aforesaid, shall receive from the company the sum of ten dollars in lieu of damages arising from delay and a vexatious prosecution, recoverable as other fines under this act.

SECTION 15. The president and managers of the said company shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the subscribers to the said undertaking, on account of the several subscriptions and of all penalties for the delay of payment thereof and of the amount of profits on the shares which may be forfeited as aforesaid, also all moneys by them expended in the prosecution of their work, and shall once at least in every year, submit

Intent to defraud company.

Penalty.

Proviso.

Just accounts to be kept.

such accounts to a general meeting of the stockholders, until the said road shall be complete, and until all costs, charges and expenses of effecting the same shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated and ascertained, and if upon such liquidation, or when the capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting to be convened according to the provisions of this act or their own by-laws, to increase the number of shares to such an extent as shall be deemed sufficient to accomplish the work and to receive and demand the moneys subscribed for such shares in like manner and like penalties as are hereinbefore provided, for the original subscription as shall be provided for by their by-laws.

Power to increase number of shares.

To keep accounts of all monies received.

Dividends and surplus.

SECTION 16. The said president, managers and company, shall also keep a just and true account of all and every of the moneys received by their several and respective collectors of tolls, at the several and respective gates, or turnpikes on the said road, from the beginning to the end thereof, and shall make and declare a dividend, and when such dividends shall exceed twelve per cent per annum, then one half of the surplus exceeding twelve per cent to be paid into the state treasury for the benefit of the education fund, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company; the clear profits and income thereof, all contingent costs and charges being first deducted among all the subscribers to the said company's stock, and shall on the first Monday in November and May, in every year, publish the half yearly dividend made of the said clear profits among the stockholders, and of the time and place when and where the same will be paid, and shall cause the same to be paid accordingly.

Mile stones.

SECTION 17. The said company shall cause mile stones to be placed on the side of the said road, whereon shall be marked in plain legible characters the respective number of miles which each stone is distant from the commencement of the said turnpike road, and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from Ridgway and the distance from the nearest gates or turnpikes in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile on the said gates or some other conspicuous place for the information of travellers and others using the said road; and if any person shall wilfully destroy the said mile-stones, or deface the same, or deface the directions made on the said gates, or other conspic-

Penalty for defacing &c.

ous places aforesaid, or shall, without permission of the acting superintendent of the said road, throw out upon the road or within the limits of the same, and suffer to remain for the space of one day, any mould, dirt, shavings, weeds or rubbish of any kind, such person being convicted thereof, by the evidence of one or more credible and disinterested witnesses, before a disinterested justice of the peace of the county, he or she shall be adjudged by the said justice to pay a fine not exceeding three dollars, to be recovered with costs as debts of like amount are by law recoverable; which fine, when recovered, shall be paid by the said justice to the treasurer of the said company for the use of the said company.

SECTION 18. All wagoners, and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, To keep right keep their horses and carriages on the right hand side of the side of road. said road in the passing direction, leaving the otherside of the said road free and clear for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage, as will sue for the same, to be recovered, with costs, before any justice, in the same manner as debts of like amount are by law recoverable; and no wagoner, or driver of carriages of any kind, whether of burden or pleasure, using said road, shall pass any other vehicle going in the same direction, at a faster gait than a trot, at a rate not exceeding eight miles per hour, under a penalty of twenty dollars for each offence, recoverable before any justice of the peace: one-half to the use of the said company, and the other half to the use of the informant. Penalty.

SECTION 19. If the said company shall not proceed to carry on the said work within five years after the passage of this act, or shall not within ten years afterwards complete the said road according to the true intent and meaning of this act, then in either of those cases all and singular, the rights, liberties and privileges and franchises hereby granted to the company shall revert to this commonwealth. Commence-
ment & com-
pletion of road

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-fifth day of May, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 204.]

AN ACT

To extend the Charter of the Lebanon Bank.

Charter ex-
tended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the Lebanon Bank, shall be and the same hereby is continued and extended for the term of ten years from the expiration of the present charter, subject to all the provisions now imposed upon the said bank by existing laws of this commonwealth, and also subject to such further provisions as the legislature may hereafter think proper to enact for the regulation of banking institutions.

Bonus.

SECTION 2. That if the provisions of this act are accepted, the said bank shall pay into the treasury of the commonwealth the sum of two thousand dollars as a bonus.

Right to repeal
&c.

SECTION 3. That the legislature hereby reserves the power to alter, revoke or annul the charter of the said bank whenever in their opinion it may be injurious to the citizens of the commonwealth, in such manner however that no injustice shall be done to the corporators thereof.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-fifth day of May, Anno Domini. one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 205.]

A N A C T

To annul the marriage contract of Jacob Thayer, and Purnel Thayer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into by and between Jacob Thayer and Purnel Thayer, his wife, be and the same is hereby annulled and made void, and the parties released and discharged from the said contract, and from all the legal duties and obligations arising therefrom, as fully, effectually and absolutely as if they had never been joined in marriage.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-fifth day of May, Anno Domini, eighteen hundred and forty.

DAVID R. PORTER.

[No. 206.]

A N A C T

To incorporate the village of Lock-Haven, in the county of Clinton, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the village of Lock-Haven, in the county of Clinton, shall be, and the same is hereby, erected

Erected into a
borough.

Name. into a borough, which shall be called the borough of Lock-Haven, and shall be bounded and limited as follows, viz: Beginning at a point on the West Branch of the Susquehanna river, at low water mark, six perches West of Hanna street, in said village, thence South one degree, West one hundred and fifty perches, to a post, thence, West one degree, North one hundred and sixty perches, to a post, thence, North one degree, East one hundred and fifty-four perches, to a post at low water mark, on said Susquehanna river, thence following the line of low water mark along said river, to the place of beginning.

Boundaries.

Annual election, when, where & how held. SECTION 2. That the inhabitants of the said borough, entitled to vote for members of the General Assembly, having resided within the bounds of said borough, at least ten days immediately preceding the election, shall have power on the second Tuesday of July next, to meet at the court house of said county of Clinton, and annually thereafter, on the second Tuesday of March, as aforesaid, at the place aforesaid, and shall then and there, between the hours of one and seven in the afternoon, elect by ballot, one respectable citizen residing therein, who shall be styled the chief burgess, and nine citizens to be a town council, and shall also, elect as aforesaid, one citizen as high constable, all of whom shall be residents of said borough, and entitled to vote for borough officers, agreeably to the provisions of this section. But previous to the opening of the said election, such of the inhabitants qualified to vote as aforesaid, as are present at the said place of election, shall choose by viva voce, one citizen to act as judge, and two citizens to act as inspectors, and each of said inspectors, shall appoint a clerk of said election, the judge and one inspector to be voted for by each voter, and the election to be conducted throughout, according to the general election laws of this commonwealth; and the officers of the election, shall be subject to the same penalties for mal-practices, as by the said election laws are imposed. And the said judge, inspectors, and clerks, before they enter upon the duties of their respective offices, shall take the same oaths or affirmations, before any justice of the peace of the county, as are prescribed by the existing election laws of this commonwealth, and after the said election shall be closed, shall declare the persons having the highest number of votes, to be duly elected. And in case any two or more candidates should have an equal number of votes, the preference shall be determined by lot, to be drawn by the two inspectors, in presence of the judge; whereupon, duplicate certificates of said election, shall be signed by the said judge, inspectors, and clerks, one of which shall be transmitted to the chief burgess elect, and the other filed among the records of the corporation. And it shall be the duty of the high constable for the preceding year, (and in event of his absence, or inability to act, such person as the officers of the election may direct,) to give notice in writing

Division by lot.

to each of the persons so elected as aforesaid, and in case of the death, resignation, removal or refusal, to accept any of the said offices, or if it should at any time happen, that no election should be holden on the day, and in the manner aforesaid, the corporation shall not on that account be dissolved; ^{Failure of election.} but the chief burgess, or in event of his absence, death, resignation, removal, or inability to act, the president of the town council, shall issue his precept directed to the high constable, commanding him to hold an election in manner aforesaid, to supply such vacancy, giving at least eight days notice by six advertisements set up in the most public places in said borough.

SECTION 3. That from and after the fourteenth day of April, next, the chief burgess and town council, duly elected as aforesaid, and their successors, shall be one body politic and corporate, by the name and style of "the Chief Burgess and Town Council of the Borough of Lock-Haven," and shall have perpetual succession, and the said chief burgess and town council, and their successors, shall be capable in law, to have, get, ^{Name & style} receive, hold, and possess goods and chattles, lands and tenements, in fee simple, or otherwise, and also, to grant, sell, let, and assign the same, goods and chattles, lands and tenements, and by the name and style aforesaid, they shall be capable in law, to sue and be sued, plead and be impleaded, in any of the courts of law of this commonwealth, in all manner of actions whatsoever, and to have and use a common seal, and the same from time to time, at their will, to change and alter, until it be otherwise directed by law. ^{Powers and privileges.}

SECTION 4. That if any person duly elected chief burgess, member of the town council, or high constable, as aforesaid, and having received due notice thereof, as directed by this act, shall refuse or neglect to take upon himself the execution of the said office, to which he shall have been elected, or having taking upon himself the duties of the said office, shall neglect to discharge the same according to law, every person so refusing or neglecting, shall for every such offence, forfeit and pay the sum of twenty dollars, which fine, and all other fines, penalties and forfeitures, incurred and made payable in pursuance of this act, or any by-law, or ordinance of the town council, shall be for the use of the said corporation, and shall be recovered by suit brought before the chief burgess, to whom is hereby given the same power and authority, in suits brought before him, to recover the same, as justices of the peace within this commonwealth by law, have, where the demand does not exceed one hundred dollars in the same form, and manner, and with the same costs of suit, that debts of like amount are by law recoverable, and the same, when recovered, shall be paid to the treasurer of the borough, and it shall be the duty of the officers of the borough, on receiving any money belonging to the ^{Refusal to accept offices &c.} ^{Penalty.} ^{How collected}

Proviso. corporation, to pay the same to the treasurer forthwith: *Provided*, That no person elected as aforesaid, shall be liable to a fine for refusing, or neglecting to serve more than once in five years.

Oath. SECTION 5. That the chief burgess, members of the town council and high constable, and all the other officers of the borough appointed by the town council in pursuance of the further provisions of this act, before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation, before the chief burgess, or any justice of the peace of said county, "to support the constitution of the United States, and of the State of Pennsylvania, and to perform the duties of their respective offices with fidelity," and the certificates of such oaths and affirmation, shall be filed among the records of said corporation.

Meeting of council. SECTION 6. That the town council shall meet on the first Monday, next after their election in each year, at the court house in said borough, or such other place as they may determine upon, and choose one of their number president, who shall *President.* preside at their meetings, and in event of the absence, death, resignation, removal, or inability to act of, the chief burgess shall possess all and singular the rights, privileges, powers, and authorities of the said chief burgess, given him in this act or elsewhere. *Powers.* And further, to choose one of their number secretary of the town council, (whose salary shall be fixed by the said town council,) whose duty it shall be to take charge of all the papers, records, and common seal of the said corporation, and be answerable therefor, and also for the faithful discharge of the duties enjoined upon him by this act, or by the by-laws and ordinances of the town council, and shall keep a fair and accurate record of all the proceedings, minutes, resolutions, by-laws, and ordinances of the said town council, open at all reasonable times to the inspection of every qualified voter of said borough, and the attestation of the said secretary, with the seal of the corporation, shall be good evidence of the act or thing so certified. *Secretary's duty.* And it shall be the duty of the said town council, (five of whom shall be a quorum,) to hold quarterly meetings on the first Saturday in April, July, October, and January, in *Quorum.* each year, and such other meetings as occasion may require, at which meetings they may make, erect, alter, revise, repeal, and amend all such by-laws, rules, regulations, and ordinances, as shall be determined by a majority of them. necessary to promote the peace, good order, benefit, and advantage of the said borough, particularly of providing for the regulation of markets, improving, repairing, and keeping in order the streets, lanes, alleys and highways, ascertaining the depth of vaults, sinks, pits, for necessary houses, and making permanent rules relative to the foundation of buildings, party-walls and fences. They shall have power to assess and apportion such taxes, as shall be *Duties powers &c.*

said rules, by-laws and ordinances, necessary for carrying the
 plete effect; and also, to appoint a treasurer, street-wa.com-
 sioner, clerk of the market, overseer of the poor, and collector, Treasurer
 annually, and such other officers as may be deemed necessary, commissioner
 from time to time, and the same officers, from time to time, to clerk, overseer
 remove for misdemeanors in office, and the said town council, poor, collector
 shall further, at their first meeting aforesaid, appoint one gen- and other of-
 tleman learned in the law, who shall be a practising attorney in
 the several courts of Clinton county, and a qualified elector of
 said borough, at a salary to be fixed by the town council, to be
 attorney for said borough, whose duty it shall be to attend
 to all suits for said corporation, and generally to act as coun- Attorney.
 cil for the officers of the borough, in their official capacity:
Provided, That no by-laws, rules, or ordinances of said corpo- Proviso.
 ration, shall be repugnant to the constitution or laws of this
 commonwealth, and that no person shall be punished for the
 breach of any by-law or ordinance of the said corporation, until
 ten days have expired after the promulgation thereof, by at
 least three advertisements set up in the most public places in
 the said borough: *And provided also*, That in assessing such 2d Proviso.
 tax, due regard shall be had to the valuation of taxable proper- Tax.
 ty, taken for the purpose of raising county rates and levies, so
 that the said tax shall not in any one year exceed one half cent
 on the dollar of such valuation, unless some object of general
 utility shall be thought necessary, in which case three-fourths
 of the qualified voters of said borough, shall approve of and
 certify the same in writing, under their hands to the town coun-
 cil, who shall proceed to assess the same accordingly: *Provi-*
ded also, That the town council shall lay such taxes upon dogs, Proviso.
 and such regulations respecting them within said borough, as Dog tax.
 they may see proper.

SECTION. 7 That the chief burgess, elected and qualified
 agreeably to this act, or in the contingency aforesaid, the pre-
 sident of the town council is hereby authorized and empower- Collect tax.
 ed to issue his precept as often, as the occasion may require,
 directed to the collector, commanding him forthwith to collect all Enforce by-
 taxes so assessed, and the same to pay over to the treasurer, which laws.
 said precept shall be signed by the secretary of the town coun-
 cil, and to which the seal of the said corporation shall be affix-
 ed. And the said chief burgess, or president of the town coun-
 cil, is hereby authorized to carry into effect all by-laws and
 ordinances, enacted by the town council, and whatsoever else
 shall be enjoined upon him, for the well ordering and govern-
 ing said borough, and the town council alone shall have power
 to mitigate, or remit such fines and forfeitures. Remit fines.

SECTION 8. That the treasurer shall give sufficient security, Treasurer se-
 to be approved by the town council, for the faithful perform- curity.
 ance of the duties of his office, and for the delivery of all mo-

neys, books, or, upon demand made for that purpose. And that the street supervisor, treasurer, high constable, and all other officers of said borough, shall in the month of March, yearly, render their accounts to said town council for settlement; and the said accounts being adjusted and settled, shall be forthwith published by council, shewing particularly the amount of taxes laid and collected, and all moneys paid into the treasury, and the amount of expenditures.

Settle accounts.

SECTION 9. That the chief burgess, president, and secretaries of the town council, or any two of them, shall constitute a court of appeal; and prior to the collection of any borough tax, the collector shall inform each inhabitant of the amount of his tax, and of the time and place of appeal: *Provided nevertheless*, That the said court of appeal shall have no other power than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same.

Court of appeal.

Proviso.

Notice of election.

And that it shall be the duty of the high constable, to give notice of the annual election of the said borough, to be held in pursuance of this act, by setting up five advertisements in the most public places in said borough, at least ten days previous thereto, he shall attend and see that the election is opened at the time, and in the manner directed by this act: *Provided*, That the constable of the township of Bald Eagle, for the time being, shall publish and superintend the election to be held on the second Tuesday of July next, as hereinbefore directed.

Proviso.

Compensation and duty of officers.

SECTION 10. That the town council shall from time to time fix the compensation, and at their discretion, declare the duties of all the officers elected, appointed, or to be appointed, under the several provisions of this act, which compensation shall be paid out of the borough treasury, by orders drawn by them, signed by the president, and countersigned by the secretary, and the same shall not be increased, or diminished during the time for which said officers were appointed respectively: *Provided*, That if any person appointed by the town council as aforesaid, shall neglect or refuse to take upon himself the duties of the office to which he has been appointed, he shall for the same, forfeit and pay for the use of the corporation, the sum of ten dollars: *Provided also*, That no person appointed as aforesaid, shall be liable to a fine for refusing or neglecting to serve as aforesaid, more than once in five years.

Proviso.

Appeal to com. pleas.

SECTION 11. That if any person or persons shall think him, her, or themselves aggrieved, by any thing done by the chief burgess in his judicial capacity, or by any thing done in pursuance of this act, he, she, or they, may appeal to the next court of Common Pleas, to be held for the county of Clinton, upon giving security according to law in appeals from judgments, from justices of the peace, to prosecute his, her, or their appeal with effect: *Provided also*, That such appeals shall be deter-

Proviso.

mined in the same manner, and the proceedings therein, shall be the same as in appeals from justices of the peace, and that such appeal shall be allowed in cases where the judgment is given for a less sum than five dollars thirty-four cents, as well as where it exceeds that sum.

SECTION 12. That no judge of any of the courts, holden in said county, shall be eligible to hold any corporate office in said borough; and that neither the chief burgess, or any officer of said borough, as such, (excepting only the president of the town council, when not acting as burgess under the contingency of this act provided, and the secretary of the town council,) shall have any voice in the enactment of by-laws and ordinances for said borough, but that the same is hereby vested in the members of the town council exclusively, who as members, shall receive no compensation for their services.

Who may not hold office.
Exclusive power of council.

SECTION 13. That it shall and may be lawful for the said corporation, to have and keep within the said borough, two markets in each week, to wit: One market on Wednesday, and one market on Saturday, together with free liberties, customs, profits and emoluments, to the said market belonging.

Markets.

SECTION 14. That the said corporation shall have no power to interfere with any house, wall, or other improvement now existing, or trees now growing within the streets of the said borough: *Provided always*, That nothing herein contained shall be construed to prevent the council removing any house, wall, or other improvement constructed, or trees planted in the streets of said borough, after the passage of this act; and that all property, officers, professions and persons, made taxable by the laws of this commonwealth, for county rates and levies, shall be taxable after the same manner, by the said borough, and all tax, rates, and levies assessed, rated and levied therein, shall be recovered in the same manner, as the county rates and levies of the county of Clinton, are by law recoverable.

Removal of houses &c.
Taxable property.

SECTION 15. That the said council shall have full power to pave, or otherwise improve all, or any, or every of the footways, and gutters within the borough, at the expense thereof: *Provided*, That every owner of property or ground, shall have the right to have the footways, on the front of their own lots, at their own expense, according to the grade fixed by the commissioners and approved by the town-council: *Provided*, They have it completed within sixty days after due notice in writing given for that purpose by the council, or other agent. *And provided*, That nothing herein contained shall be construed to give power to the council to compel any person to pave at his own expense.

Pave and improve.

SECTION 16. That the high constable shall give bond and security to the said corporation, in such sum as the said council shall approve, conditioned for the faithful performance of all the duties enjoined upon him by this act, as well as by the or-

High constable.

Assessors.

dinances and by-laws of the council, and that, from and after the passage of this act, the citizens of the borough of Lock-Haven, shall be exempted from paying road and poor tax to the township of Bald Eagle; and that the inhabitants of the said borough aforesaid, shall elect one assessor, and two assistant assessors of county taxes for the said borough, at such time, at the court house aforesaid, under like regulations, and for the same purpose, as are or hereafter may be directed by law, in the several townships within this commonwealth, which said assessor and assistant assessors shall have, use and exercise, all and every the powers, rights and privileges, perform all and every the same duties, and be subject to all and every the same fines, penalties and forfeitures within the said borough, respectively, which are or hereafter may be lawfully used, had and exercised, or which shall be suffered by, or imposed upon like officers of the several townships of this commonwealth, and in event of the said office of assessor and assistant assessors being vacant, by death, removal, resignation, non-election, or other cause, the town council shall fill the vacancy, and the person so appointed shall be subject to the restrictions aforesaid, and from and after the passage of this act, the citizens and properties in the borough of Lock-Haven, shall be, and remain distinct and separate from the township of Bald Eagle, in the assessment and collection of all state and county taxes, rat and levies.

Compensation of election officers.

SECTION 17. That the officers of the said borough election, are hereby entitled to receive the sum of one dollar each, which shall be paid them by the treasurer, upon an order signed by the president, and countersigned by the secretary of the town council, and any qualified elector in said borough, may be an officer at said election, any existing law of this commonwealth to the contrary notwithstanding. And it is further enacted by the authority aforesaid, that the writs for the recovery of fines and for forfeitures to be issued by the chief burgess, or president of council, under the aforesaid contingency, shall be in the form of writs, of summons, capias, execution, and such other necessary writs as are issued by justices of the peace, in pursuance of the laws of this commonwealth.

Writs for fines

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twentieth-fifth day of May, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 207.]

A SUPPLEMENT

To the act entitled "An act to enable the Governor to incorporate a company for making an artificial road, beginning at the intersection of Vine and Tenth streets, Philadelphia, and thence to Perkiomen Bridge, in the county of Montgomery," passed March thirtieth, eighteen hundred and eleven."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That "The Ridge Turnpike Company," ^{Bridge turn-} be and they are hereby authorized to erect within the ^{pike road} limits of their road, at any of their gates or turnpikes, any ^{company may} toll-house or dwelling-house, for the use and accommodation ^{erect toll hou-} of the toll-gatherer at such gate, and may continue and main- ^{ses &c.} tain any such toll-house or dwelling-house heretofore erected; *Provided,* That such building shall not extend into the said road from the edge thereof more than seventeen feet, and that said company shall make the stone part of their road opposite said building of the same width as required by law at other places, and keep the side road on the opposite side of their road in good order and repair for travelling; *And provided* ^{Proviso.} *also,* That such toll-house and dwelling-house shall not be erected in front of any dwelling-house, or other building erected on the adjoining land on the same side of the road, nor within one hundred feet of any such house or building, nor shall any such toll-house or dwelling-house or other building be erected, or continue by said company upon their road within the limits of any borough; *And provided further,* ^{2d proviso.} That from and after the first day of October next, it shall not be lawful for the said company to put up or continue, or maintain any gate or turnpike within the limits of any borough, or within fifty perches thereof, and if any gate or turnpike shall after said day be put up or be continued, or kept up contrary to this section, the said company shall be liable to a penalty of ten dollars for every day the same shall be continued contrary to this section, to be recovered as debts of the ^{Gates in bo-} same amount are recoverable, one half to the use of the person ^{roughs.} who shall sue for the same, and the other half to the use of the borough in which the gate is put up or continued, and no ^{Penalty} person shall be bound to pay any tolls at any gate kept up contrary to this proviso.

SECTION 2. "The Ridge Turnpike Company," their off- ^{Deposite and} cers, agents and workmen, be and they are hereby authorized ^{break stone}

to deposite and to break stone for repairing their road on one side of the same, between the stoned part thereof and the edge of the road, not to extend more than fifteen feet from the edge thereof, at such places as may be necessary, and in such manner as will least interfere with or endanger the travelling on said road, but no stone shall be deposited or broken on said road within the limits of any borough, except by the permission of the constituted authorities thereof, granted by ordinance or resolution passed at a full meeting of the said authorities, nor in front of or near any building so as to render the access thereto inconvenient, nor so as to obstruct the road or passage to any lot, lands or building, without the consent of the owner thereof.

SECTION 3. It shall be unlawful for any person to dig or remove any stone, sand or earth from the stoned part, or from the side or summer road within the limits of the road of The Ridge Turnpike Company, without the consent of said company; and if any person shall dig or remove any stone, sand or earth, contrary to this section, he shall forfeit and pay the sum of ten dollars for each offence, to be recovered as debts of the same amount are recoverable for the use of the person who may sue for the same.

SECTION 4. Only so much of the tolls or revenue of "The Ridge Turnpike Company," and moneys belonging to the same, which may be on deposit in any bank, or which may be in the hands of any officer, agent, or toll-gatherer of said company, or other person, shall be levied upon under any execution against said corporation, or be attached or sequestered under any process or proceeding to satisfy any judgment rendered against the same, excepting the balance of such tolls, revenue and other moneys, as may on the first day of January in any year be unexpended, and may not be required to pay the expenses incurred, and debts contracted for keeping the road of the company in repair during the preceding year, and the salaries or wages of the officers, agents and toll-gatherers of the company, as well as the contingent expenses of the corporation for said year. And the affidavits of the treasurer and secretary of the amount of said tolls, revenue and other moneys on hand, on said first day of January, and the amount required for the purposes above mentioned, as near as they can ascertain the same, shall be taken as prima facia evidence of the said amounts.

SECTION 5. Wherever the sidewalks or sideways along the road of "The Ridge Turnpike Company," within the limits of any borough, on either side of said road, have been regulated and curbed agreeable to the ordinances or regulation of such borough, the said company shall, within three months after being required by such borough, grade their road in such manner as the constituted authorities of

Removing
stone &c from
road.

Tolls how le-
vied upon.

Turnpike road
grading of
within bor-
ough

such borough may, by ordinance or otherwise, direct, by filling and raising or reducing the stoned parts of said road and side roads, as the case may require: *Provided*, That the middle or stoned part of said road shall not be less than three inches, nor more than nine inches higher than the top of the curbstone set opposite thereto, and the road shall be gradually rounded, so as to cast off the water into the ditches along such curbstone; and whenever any of the said sidewalks or footways shall hereafter be regulated and curbed, as aforesaid, the said company shall, within three months after being required, as aforesaid, grade their road wherever such sidewalks may be regulated and graded, as aforesaid, by filling or reducing the stoned path or side road, and forming the same as above. *Provided*, The said company shall neither have nor exercise any power or authority within the limits of any borough through which their road may pass, or have any jurisdiction over their road within the limits of such borough, except to make and repair their road as required by law, and to enforce the penalties provided by law for obstructing the travelling on the same. And in case the said company shall refuse or neglect to grade their said road, as mentioned in this section, within the time above mentioned, it shall be lawful for the borough in which such part of said road is situate, to grade the same, and the amount of the expenses thereof shall be paid by said company; and if the said expenses shall not be paid within thirty days after demand made on the treasurer of said company, the borough incurring such expense may recover the amount thereof, with twenty-five per cent. addition thereto, as a penalty for non-payment, by suit or action against said company, and on judgment being rendered, the amount thereof shall be made and satisfied as if the preceding section had not been enacted.

Powers limit-

ed.

Refusal to
grade.

SECTION 6. The said company shall signify their acceptance of this act by writing, signed by a majority of the managers thereof, attested by the president and secretary, to be filed in the office of the Secretary of the Commonwealth within thirty days after its passage; and in case of so neglecting to accept, the privileges hereby granted shall be null and void,

Acceptance of
this act.

SECTION 7. That nothing herein shall prevent a sequestration of said road, under the act of sixteenth of June, eighteen hundred and thirty-six.

Sequestration.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-seventh day of May, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 208.]

A N A C T

To authorize the trustees of the Central Savings Association of Philadelphia, to sell and convey certain real estate, and for other purposes.

Preamble.

WHEREAS, Richard Morris, and Maria his wife, by indenture, bearing date the second day of October, Anno Domini, one thousand eight hundred and thirty-eight, did grant and convey unto Matthew C. Ralston, David Hill, and Alexander McClung, trustees for the Central Savings Association of Philadelphia, and to the survivors and survivor of them, his heirs and assigns, all those six certain contiguous three storied brick messuages or tenements, and lots or pieces of ground thereunto belonging, situate at the south-east corner of Lombard and Schuylkill Front streets, in the city of Philadelphia, containing together in front or breadth on the said Lombard street one hundred and two feet, and extending southward of that width in length or depth (each lot) seventy feet: *And whereas*, the Central Savings Association is an unincorporated association, and doubts have arisen whether said trustees can convey a legal and valid title to the said premises so as aforesaid, sold and conveyed to them in trust.

Trustees of
the central sa-
vings institu-
tion may sell
real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same:* That the said Matthew C. Ralston, David Hill, and Alexander M'Clurg, trustees as aforesaid, or any two of them, be and they are hereby authorized to sell and convey the said six certain contiguous three storied messuages and lots of ground, hereinbefore described, and that the purchaser or purchasers thereof, or any part thereof, take, receive and enjoy the said premises, or such part thereof as he or they may purchase, free from all liens or encumbrances, except such as may have existed prior to the conveyance of said Morris and wife to said trustees, and such as may exist against or have been created by said trustees.

Fayette co.
Washington
township to
elect but one
constable.

SECTION 2. That the law which requires the citizens of Washington township, Fayette county, to elect two persons to serve as constables, be and the same is hereby repealed, and hereafter but one constable shall be elected in said township.

SECTION 3. That the act entitled "A supplement to the act entitled, an act for laying out, making and keeping in re-

pair the public roads and highways within this commonwealth, and for laying out private roads, so far as respects the township of Hopewell, in the county of York, and for other purposes, approved the fifteenth day or April, one thousand eight hundred and thirty-four, being the first, second, third, fourth and fifth sections of said act, be and the same is hereby repealed: *Provided*, That the two supervisors last elected under said act shall be the supervisors for said township, until the next annual election for the choice of supervisors under the general road laws of this commonwealth.

Hopewell tps.
York county
provisions of
former act re-
pealed.

SECTION 4. That the administrator of Charles Wetherill, deceased, be and he is hereby authorized to sell and convey at public or private sale, any part or parts of the real estate whereof the said Charles Wetherill died seized, in severalty or as tenant in common, and the purchasers thereof shall take and hold the estates which shall be conveyed to them by the said administrator as aforesaid, in as full and ample manner as the said intestate held the same at the time of his decease: *Provided*, That before any such sale shall be actually made by the said administrator, the terms thereof shall be approved by the Orphan's court, within whose direction the lands may be, and the said administrator shall give security, to be approved by the said Orphan's court, for the due appropriation of the purchase moneys.

Administrator
of Charles
Wetherill d'cd
to sell certain
real estate.

SECTION 5. That the administrator of Charles Wetherill, deceased, be and he is hereby authorized to pay out of the personal estate of the said decedent one equal third part of the principal and interest due on a certain mortgage for the payment of two thousand dollars, and interest on a certain mes- suage and lot in Easton, Northampton county, which Christian A. Fickardt and wife, by indenture, dated the ninth day of May, Anno Domini, eighteen hundred and thirty-seven, recorded in deed book A., volume six, page five hundred and sixty-four, granted and conveyed unto the said Charles Wetherill, John Price Wetherill, and William Wetherill, in fee as tenants in common, subject to the aforesaid mortgage.

Administrator
to pay certain
moneys.

SECTION 6. That William Patch, of the city of Philadelphia, be authorized to change his name from William Patch to William P. Homer, and he shall henceforth be called and known by the name of William P. Homer, and by that name shall be able and capable in law to sue and be sued, grant and receive, and do all other legal acts as effectually to all intents and purposes as he could have done by his former name if no change had been made therein.

Wm. Patch
changed to
Wm. P. Ho-
mer.

SECTION 7. That it shall and may be lawful for the Pittsburgh and Steubenville Turnpike Road company to alter so much of the location of their road as passes through the farm of John Young and John Shortz, of Allegheny county, and also through the lands of Andrew Donaldson, Alexander Scott, location.

Pittsburg and
Steubenville
turnpike road
company may
alter part of
location.

John Cordeck, and Jameson Cook, in the county of Washington: *Provided*, That any damages which may be done to private property shall be assessed in the manner provided under the general road laws of this commonwealth.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-seventh day of May, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 209.]

AN ACT

To incorporate the Luzerne county Mutual Insurance Company, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That George M. Hollenback, Hendrick B. Wright, S. D. Lewis, John Bennett, Elias Hoyt, W. C. Reynolds, John L. Butler, S. T. Nicholson, Henry F. Lamb, Geo. P. Steele, Ziba Bennett, E. W. Sturdevant, and John W. Robinson, and all other persons, who may hereafter associate with them in the manner herein prescribed, shall be a corporation, by the name of the Luzerne county Mutual Insurance Company, for the purpose of insuring dwelling houses, stores, shops and other buildings, household furniture, merchandise and other property, against loss or damage by fire.

SECTION 2. All persons who shall hereafter insure with the said corporation, and also their heirs and executors, administrators and assigns, continuing to be insured with said corporation as hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said company, and no longer.

SECTION 3. The affairs of said company shall be managed by a board of directors, consisting of thirteen members, chosen or appointed as hereinafter provided; all vacancies happening in said board shall be filled by the remaining directors for the

remainder of the year, for which they were elected, or until a new election, and a majority of the whole shall constitute a quorum for the transaction of business. The persons named in the first section of this act shall be the first directors; and the business of said corporation shall be done and transacted at such place in the borough of Wilkesbarre, in the county of Luzerne, as shall be designated by a majority of the directors present, at any regular meeting of the board; and said board shall continue in office for one year after the passage of this act, and until others are chosen in their place, which board of directors shall thereafter be elected yearly, at such time and place in the borough of Wilkesbarre, aforesaid, as the corporation in their by-laws shall appoint, of which election public notice shall be given, in at least one of the public newspapers printed in said county, at least thirty days immediately preceding such election; such election shall be holden under the inspection of three members, not being directors, to be appointed by the directors previous to every election, and shall be made by ballot, and by a plurality of the members then present, allowing to each member one vote, for every hundred dollars insured for him with said corporation; and said directors shall have the power to appoint, annually, a president, a secretary and treasurer, and to fill all vacancies occurring between elections, and to make and have a common seal, and the same alter, destroy or renew at pleasure, and to make and ordain all by-laws, proper for the regulation of the business and affairs of said corporation, not being inconsistent with the constitution or laws of the United States or of this commonwealth; and the same to modify or repeal when necessary.

Located in
Wilkesbarre.

Annual elec-
tion.

How held.

Ratio of votes.

Seal.

By-laws.

SECTION 4. The directors shall determine, as nearly as practicable by their by-laws, the rates of insurance on the different classes of property, and the sum to be deposited for any insurance; they shall also fix the sum to be insured.

Rates of insu-
rance.

SECTION 5. Every person who shall become a member of said corporation by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such a sum of money as shall be determined by the directors, a part not exceeding ten per centum of said note shall be immediately paid, and the remainder of said deposit note shall be payable in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as shall be necessary for transacting the business of said corporation; and at the expiration of the time of insurance, the said note or such part of the same as shall remain unpaid, after deducting all losses and expenses during said term, shall be relinquished and given up to the maker thereof; and it shall be lawful for said company to loan such portion of their money on hand, as shall not be

Promissory
note how paid

Loss by fire
how paid.

Deposits
when return-

Loans of deposits. wanted immediately for the purpose of said corporation, to be secured by bond (or mortgage) on real estate of double the value of the sum loaned above all incumbrances, for a term of time not exceeding two year, the interest to be paid half yearly, and in default of such payment, the principal, as well as the interest, to become immediately due and collectabl.

Liens on insured property. SECTION 6. And said company shall have a lien in the nature of a judgment, waiving the right of inquisition upon all the real property of the insured, to the amount of his deposite note, or so much thereof as may be unpaid, which shall continue till the amount of such note, with interest and cost of execution, if any, shall have been paid or satisfied according to the provisions of this act: *Provided*, Said company shall file, in the office of the prothonotary of the county wherein such real estate shall lie, a memorandum of the name of the individual insured, a description of the property, the amount of the deposite note unpaid, and the term for which the insurance shall continue; and the prothonotary with whom the same shall be filed is hereby required, forthwith, to enter the same without tax or fee at large upon his judgment docket; and the same, when so entered, shall be deemed and taken to be, in all respects, as a judgment entered upon confession, by virtue of a warrant of attorney, and execution may at any time be had thereof, for so much as, by virtue of the provision of this act, may be due and demandable; but the lien thereof shall commence with the filing of the memorandum in the office of the prothonotary: *And provided further*, That such a lien shall not be construed to deprive any person or persons insured, with or by said company, from the rights and privileges of a freeholder.

Proviso. How filed.

2d Proviso.

Of sale of insurance property. Policy to be surrendered. SECTION 7. When property insured by this corporation shall be alienated by sale, or otherwise, the policy shall therefore be void, and be surrendered to the directors of said company to be cancelled; and upon such surrender, the insured shall be entitled to receive his deposite notes, with an order, signed by the president and secretary of the board of managers, directing the prothonotary, in whose office a memorandum of said notes may have been entered, as hereinbefore provided, to enter satisfaction thereon: *Provided*, That the assured shall first pay his proportion of the balance of losses and expenses, if any, which have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him, for his own proper use and benefit, upon application to the directors; and with their consent, within thirty days next, after such alienation, and giving security to the satisfaction of said directors, for such portion of the deposite or premium note as shall remain unpaid; and by such ratification and confirmation, the party causing such security to be given, shall be entitled to

Proviso. Insured to pay proportion of losses.

all the rights and privileges, and be subject to all the liabilities to which the original party was liable and subjected under this act.

SECTION 8. Suits at law may be maintained by said corporation against any of its members for the collection of said deposit notes, or for any cause relating to the business of said corporation, or against any person for moneys due said corporation, or for injury done to their corporate property, books or papers, or for causing the destruction by fire of any property by them insured, and for no other cause; but said corporation shall not hold any property, exceeding in value ten thousand dollars, for the transaction of their corporate business, and all real estate purchased by said company for the purpose of collecting or securing debts, shall escheat to this commonwealth unless the same shall have been sold and disposed of and passed bona fide from the possession and ownership of said corporation within five years next succeeding such purchase, also suits at law may be maintained against said corporation, by any member thereof, for losses or damage by fire if payment is withheld more than three months after the company are duly notified of such loss, and no member not being in his individual capacity interested, shall be incompetent as a witness in any such cause as the aforesaid, on account of his being a member of said corporation.

Suits may be maintained by corporation.
What property may be held by corporation.
Suits against corporation.
Who may be witnesses.

SECTION 9. The directors shall after receiving notice of any loss or damage by fire sustained on property insured by said corporation, and ascertaining the same, or after the rendition of any judgment, as aforesaid, against said company for loss or damage, settle and determine the sums to be paid by the several members thereof as their respective proportions of such loss, and publish the same as they may see fit, or in such manner as their by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall, for the space of thirty days next after the publication of said notice, neglect or refuse to pay the sum assessed on him as his proportion of the loss aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit, or may have execution for the whole amount, as provided for in the sixth section of this act; and the amount thus collected shall remain in the treasury of said corporation, subject to the payment of such delinquent's proportion of prior or future losses and expenses, and the balance, if any remain, shall be returned to the party from whom it was collected or demanded, after thirty days from the expiration of the term for which insurance was made.

How losses to be paid.
Liability of members of corporation.

SECTION 10. If the available funds on hand and the amount

When available funds are insufficient. of deposit notes should be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured by said company, shall receive towards making good their respective losses, a proportionate dividend of the whole amount of said deposit according to the sums to them respectively insured, and in addition thereto a sum to be assessed on all the members of said company, on the same principles as regulated the amounts of their respective deposit notes, but not exceeding one dollar on every hundred dollars to them respectively insured; and no member shall be required to pay for any loss occasioned by fire, at any one time more than one dollar on every hundred dollars insured in said company in addition to his deposit note, nor more than that amount for any such loss after his said note shall have been paid in and expended; but any member upon payment of the whole of his deposit note, and surrendering his policy before any subsequent expense or loss has occurred, may be discharged from said company.

Policy how issued.

SECTION 11. No policy shall be issued by said company till application be made for insurance for twenty-five thousand dollars at least.

Limit of insurance.

SECTION 12. No insurance shall be made by said company for a longer period than seven years.

When to take effect &c.

SECTION 13. This act shall take effect immediately after its passage, and shall continue in force twenty years, but the legislature of this commonwealth may at any time alter, repeal or modify its provisions.

Dog tax in the townships of Coventry east and west Vincent Chester county repealed.

SECTION 14. That from and after the tenth day of March, one thousand eight hundred and forty-one, the several acts of assembly of this commonwealth that relate to the imposing of a tax on dogs in the county of Chester, be, and the same is hereby repealed, so far as regards the townships of Coventry, East Vincent, and West Vincent, in the said county.

Dog tax how collected in the township of Coventry east and west Vincent Chester county.

SECTION 15. That all taxes that now are or may be levied or assessed on dogs, and returned to the commissioners of the said county by the assessors of the townships of Coventry, East Vincent, and West Vincent, before the issuing and distribution of the duplicates of the present year to the collectors of county rates and levies, the said commissioners shall enter all taxes returned upon dogs from the said township of Coventry, East Vincent, and West Vincent, in the same manner that they have heretofore done; and that the collectors of county rates and levies, in the aforesaid townships, shall collect the said tax on dogs, assessed and returned during the present year within their respective townships, with all amount of taxes of like character of former that may be on their duplicates, and pay the same over to the supervisors of their respective townships on or before the first day of February, one thousand eight hundred and forty-one; and the said supervisors are

hereby vested with all the power and authority, given by the laws of this commonwealth to the commissioners and treasurer of Chester, to enforce the payment of all such moneys, as aforesaid, over to them, from the collectors of the county rates and levies, within the said townships.

SECTION 16. That the township auditors of the several townships aforesaid, shall meet on the first Monday in March, one thousand eight hundred and forty-one, at the usual places of holding township elections in their respective townships, on fifteen days notice thereof, to be given by the said supervisors, by six or more advertisements put up at the most public places in their respective townships; at which meeting, the said supervisors shall exhibit and render unto the auditors of their proper townships a full and true account of all moneys they may have received from the collectors of county rates and levies, under the provisions of this act. All persons residing within said townships having claims for sheep killed by dogs, before the passage of this act, at the same time shall present their certificates of appraisement to the auditors of their respective townships; and the said township auditors, after ascertaining the amount of moneys collected and paid over to the proper supervisors, shall examine and compute the amount of said certificates, rejecting such as they may believe to be illegal and improper; and if the funds shall be sufficient to pay and discharge all the claims within their proper townships, then any two of the said auditors shall, within ten days thereafter, draw their orders in favor of the several claimants, for the amount of their respective claims, upon the supervisors of their proper townships; but in case there be a deficiency of funds to meet all the said claims, then, and in such case, the auditors aforesaid shall make a pro rata division, among the several claimants, and draw their order upon the proper supervisors, who shall pay the same. In case of a surplus in all or any one of the aforesaid townships, after the payment of the claims provided for by this act, such surplus shall be applied by the supervisors of such township or townships, in repairing the public highways.

SECTION 17. That the township auditors aforesaid be and they are hereby vested with the same power and authority to exonerate the collectors from any tax on dogs that have been improperly returned, or cannot be collected within the said townships, as are now enjoyed by the commissioners of the county of Chester, under the existing laws of this commonwealth.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-seventh day of May, Anno Domini, eighteen hundred and forty.

DAVID R. PORTER.

[No. 210.]

AN ACT

To erect the town of South Easton, in the county of Northampton, into a borough, and for other purposes.

Borough.

Boundaries.

Established.

Election.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the village of South Easton, in the county of Northampton, comprised within the following limits, viz: beginning at the south west corner of the Lehigh river bridge; thence south thirty-seven and one half degrees east, four and one half perches to a stone at the extremity of the wing wall of said bridge; thence south twenty-three and one half degrees, west sixty and one half perches to a stone in the land of James M. Porter; thence south fifty degrees east ten and one half perches to a stone in the public road; thence along the said public road south one and one half degrees, east seventy-seven perches to a stone; thence south forty-seven degrees, west one hundred and seventy-one perches to a stone; thence south thirty and one half degrees, west eleven perches to a post; thence south eighty-six degrees, west one hundred and seventy-two perches to a stone; thence south seventy-three and one half degrees, west twenty-four perches to a stone; thence north seventy-three and one-fourth degrees, west one hundred and five and one half perches to a post on the bank of the Lehigh river; thence by the several courses and distances of the said Lehigh river, to the place of beginning, shall be and the same is hereby erected into a borough, which shall be called the borough of South Easton.

SECTION 2. The inhabitants of said borough, entitled to vote for members of the general assembly, and who shall have resided within the same for six months immediately preceding the election hereinafter mentioned, shall on the first Saturday in July, meet at the house of David Moyer, in said borough, and then and there, between the hours of one and six o'clock in the afternoon, elect by ballot, one citizen who shall be styled bargess, and six citizens who shall be a council, and also shall elect as aforesaid, a high constable, all of whom shall be inhabitants of the said borough; but previously to opening the said election, such of the inhabitants who may be

present at the said house of David Meyer, shall elect two ^{Judges &c.} citizens as judges, one as inspector, and two as clerks of the said election, which shall be regulated throughout according to the general election laws of this commonwealth, and who shall be subject to the same penalties for mal-practices as by the said laws are imposed; and the said judges, inspectors and clerks, before they enter on the duties of their respective offices, shall take an oath or affirmation before a justice of the peace of the said county, to perform the same with fidelity, and after the said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected, whereupon a certificate of the said election shall be signed by the said judges, a copy thereof transmitted by the clerk to each person elected, and the original recorded in the record books of the corporation, and in case of death, resignation, removal or refusal to accept any of the said offices, a new election shall be held for the purpose of supplying such vacancy in the manner hereinafter provided: *Provided*, That it shall be the duty of the constable of the township of Williams, for the time being, to superintend the first election of which he shall give ten days notice by advertisements, set up at four of the most public places in said borough.

SECTION 3. On the Wednesday next after the said election, the members of the council elected as aforesaid, shall be convened at the said house of David Meyer, in said borough, by order of the burgess, and then and there, shall by lot divide themselves into three classes; and the seats of members of the council of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the third year; counting the year as commencing for corporate purposes on the first Monday in April. ^{Meeting of council.} ^{Classification.}

SECTION 4. The inhabitants of said borough, entitled to Annual election as aforesaid, shall on the third Friday in March next, ensuing the election aforesaid, and on the same day in every year thereafter meet at such convenient place in said borough as shall have been fixed on by the by-laws of the corporation for that purpose, and elect in the manner aforesaid, one burgess and two members of the council, to supply the place of the members of the council vacated in manner hereinbefore mentioned, and also shall elect, as aforesaid, a high constable, and a certificate of such election shall be signed by the said judges, a copy thereof transmitted by the high constable of the preceding year to the person so elected, and the original recorded in the record books of the corporation, and in case of death, resignation, or refusal to accept of any of said offices, or if it should at any time happen that no election shall be holden at the time and place appointed, the burgess, or in his absence or inability or refusal to act, any member of the council shall issue his precept directed to the high constable to hold an ^{High constable.}

election, in manner aforesaid, to supply such vacancy, and in the mean time the officers of said borough, elected for the last year shall continue to all intents and purposes to hold their respective offices and exercise all the powers appertaining thereto, as fully and effectually as if their term of office had not expired.

Name.	SECTION 5. From and after the Wednesday next after the first Saturday in July next, the Burgess and Council elected, as aforesaid, and their successors shall be one body politic and corporate by the name and style of "The Burgess and Council of the borough of South Easton, in the county of Northampton," and shall have perpetual succession, and shall be capable in law to have, require, receive, hold, purchase and
Liberties and franchises.	possess goods, chattles, lands and tenements, rents, liberties, jurisdiction, franchises, and hereditaments, to them and their successors in fee simple or otherwise, not exceeding
Income.	the yearly value of five thousand dollars, and also to give, grant, sell, let and assign the same, goods, chattels, lands, tenements, hereditaments and rents, and by the name and style aforesaid, they shall be capable in law to sue and be sued,
Seal.	plead and be impleaded, in any of the courts of this commonwealth, in all manner of actions whatsoever, and to have and use one common seal, and the same from time to time at their will to change and alter.

Refusal of office.	SECTION 6. If any person duly elected as burgess or member of the council as aforesaid, and having received notice thereof, as is directed by this act, shall refuse or neglect to take upon himself the duties of said office, or shall neglect to
Penalty.	discharge the same according to law, every such person so neglecting or refusing, shall for every such offence forfeit and pay the sum of fifteen dollars; which fine and all other fines and forfeitures incurred and made payable in pursuance of this act, or of any by-laws, ordinances, rules and regulations of the burgess and council, shall be for the use of the corporation, and shall be recoverable in the same manner as debts of equal
Proviso.	amount are, or shall be by law recoverable, unless herein otherwise provided for, and when so recovered shall be forthwith paid to the treasurer of the borough, and it shall be the duty of the officers of the borough on receiving any money belonging to the corporation to pay the same to the treasurer forthwith; <i>Provided</i> , That no person elected to serve, as aforesaid, shall be liable to a fine for refusing or neglecting to serve more than once in four years.

Oaths.	SECTION 7. The burgess, members of the council, and high constable, and each of them, before entering on the duties of their respective offices shall take and subscribe an oath or affirmation before a justice of the peace of the said county, to support the constitution of the United States and of this commonwealth, and to perform the duties of their respective offices with fidelity; and the certificate of such oath or affirmation
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shall be recorded among the records of the corporation. And the said burgess shall have power and authority to administer oaths and affirmations, when the same may be necessary in the investigation of any matter within the cognizance of the said corporation.

SECTION 8. It shall be the duty of the burgess and town council, five of whom shall be a quorum, to hold quarterly meetings on the second Saturday in January, April, July and October, in each and every year, and oftener if occasion requires, at which meetings the burgess shall preside, and in case of an equal division give the casting vote; and the said burgess and council shall have power at such meetings to ordain and enact, revise and repeal, and amend such ordinances, by-laws, rules and regulations as shall be deemed expedient to promote the peace, good order, benefit and accommodation of the citizens of said borough, particularly of providing for the regulations of the markets, improving, repairing and keeping in good order the streets, lanes, alleys and highways, and removing nuisances therefrom; to designate the width of side walks; to regulate the depth of vaults, sinks, drains, make permanent rules for the foundation of buildings and party walls, regulate the fences, side posts and railings along the streets; to impose fines and penalties, and to require and compel the owners of houses, stores, workshops, stables, buildings and lots, to pave the side walks on such streets, and with such materials as shall by the burgess and town council be deemed necessary and expedient, and the same to keep in repair, and to prohibit the exhibition of plays, shows, mountebanks, jugglers and all and every other exhibition, under such restrictions, fines and penalties as the said burgess and council shall direct, and to require and compel the inhabitants of the borough and others occupying property therein to clean the chimneys and stove pipes in the buildings used and occupied by them, in such manner and as often as the said burgess and town council shall direct; and the said burgess and town council shall have power and authority to organize as many fire companies of the citizens of said borough, as there are or shall be fire engines belonging to said borough, of such of the citizens as will voluntarily become members thereto, which fire companies shall be subject, to the rules, regulations of a written constitution, which shall be signed by the members of said company or companies, and approved of by the burgess and town council; and the said burgess and town council shall have power and authority to assess and apportion, raise and appropriate such taxes as may and shall by them be deemed necessary for carrying the said rules, ordinances and regulations from time to time into complete effect; they shall also appoint annually one or more street supervisors, a town clerk, a treasurer, and such other officers as may be deemed necessary, and

- Officers.** the same officers from time to time remove, and all by-laws, ordinances, rules and regulations shall be signed by the burgess, and attested by the town clerk, and entered in the records of the corporation: *Provided*, That no by-laws, rules or ordinances of the corporation shall be repugnant to the constitution of the United States or of this commonwealth, and that no person shall be fined or punished for the breach of any by-law or ordinance made as aforesaid, until ten days have expired after the promulgation thereof, by at least five advertisements set up in five public places in the said borough: *And provided*, That in assessing such tax, due regard shall be had to the valuation of taxable property taken for the purpose of raising county rates and levies, so that the said tax shall not in any one year exceed one half cent on the dollar in such valuation, unless some object of general utility should be thought necessary, in which case a majority of two-thirds of the taxable inhabitants of said borough shall approve of and certify the same in writing, under their hands to the town council, who, if two thirds of the whole number approve thereof, may proceed to assess the same as aforesaid. All property, officers, professions, and persons made taxable by the laws of this commonwealth for county rates and levies, shall be taxable after the same manner by the said borough, and all taxes, rates and levies rated and levied therein, shall be recovered in the same manner as the county rates and levies in the county of Northampton, are by law recoverable.
- Proviso.**
- Tax.**

Duties of supervisors. SECTION 9. It shall be the duty of the supervisor or supervisors to open the streets, repair the same, and also the lanes and alleys in said borough, and to erect and repair the bridges and causeways in the same, under the direction and supervision of the said burgess and town council, excepting such alleys and bridges as are or shall be considered private property, and used as such.

Collection of taxes. SECTION 10. The burgess elected, as aforesaid, or in case of his absence, inability, or refusal to act, the first named in the list of the council is hereby authorized and empowered to issue his precept, as often as occasion may require, directed to the high constable, or in case of his inability to act, to some other fit person, commanding him to collect all taxes assessed in pursuance of this act, and the same to pay over to the treasurer; and the said burgess shall carry into effect whatsoever is enjoined upon him by the aforesaid rules and ordinances, for the well ordering and government of the said borough; he shall have power to remit fines and forfeitures in cases when it shall appear that the person or persons so fined, did not intentionally offend, or on their having some other just and reasonable excuse; which excuse shall be satisfactorily proved to the said burgess.

Remit fines.

SECTION 11. It shall be the duty of the town clerk to attend

all sessions of the burgess and town council, when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and procure the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties that may be enjoined on him by virtue of this act, and the acts of the corporation; and the attestation of the said town clerk, with the seal of the corporation, shall, in all cases, be good evidence of the act or thing so certified. Duty of clerk-
Seal.

SECTION 12. The treasurer shall give sufficient security for the faithful discharge of the duties of his office, and for the safe delivery of all books, papers, and accounts appertaining thereto, and all money remaining in his hands, into the hands of his successor, upon demand made for that purpose; and the high constable shall give sufficient security for the faithful discharge of the duties of his office, and the payment to the treasurer of all moneys he shall or may collect by virtue of his office; and for his services the said high constable shall be allowed such fees and compensation as are by law allowed to township constables for similar services, to be paid and collected in such manner as is by law provided in case of the township constables aforesaid: *Provided*, That this act shall not be so construed as to prevent the said burgess and council from allowing a reasonable compensation for his services, to be paid out of the treasury of the corporation. Treasurer se-
curity &c.

Proviso.

SECTION 13. It shall be the duty of the high constable to give, at least ten days previous thereto, notice of the annual elections in said borough, by at least four advertisements set up at four of the most public places therein, and he shall attend and see that the election is opened at the time, and in the manner directed by law. The burgess and town council shall, from time to time, affix the salaries of the town clerk, treasurer, and such other officers as may be appointed under this act; which compensation shall be paid out of the borough treasury, by orders drawn thereon by the burgess, or in such other manner as the burgess and council shall direct. Duty of high
constable.

Salaries

SECTION 14. No money shall be drawn from the treasury except by authority of the council, on orders drawn by the burgess, and attested by the town clerk. It shall be the duty of the burgess and town council to settle the accounts of the several officers, and cause a fair statement to be made, which shall be published every year, in the month of February, in at least two newspapers printed in the county. Money how
drawn from
treasury.

SECTION 15. The burgess, treasurer, and first named on the list of council, shall constitute a court of appeal; and prior to the collection of any borough tax, the high constable shall inform each of the inhabitants of the amount of his tax, and of the time and place of appeal: *Provided nevertheless*, That the said court of appeal shall have no other power as Court of ap-
peal.

Proviso.

such, than to determine the justness of the apportionment of said tax, conformable to the county rates and levies, and to correct any mistake in that respect.

SECTION 16. If any person or persons shall think him, her, or themselves aggrieved by any thing done in pursuance of this act, except what relates to the imposing and collecting the borough tax, and the appointments made by the town council and burgess, he, she, or they may appeal to the next court of common pleas, to be held in said county, upon giving security according to law, to prosecute his, her, or their appeal with effect; and the said court having taken such order thereon as to them shall seem just and reasonable, the same shall be conclusive.

SECTION 17. From and after the passage of this act, the citizens of the borough of South Easton shall be exempted from paying road tax to the township of Williams.

SECTION 18. The inhabitants of said borough shall elect one assessor, and one assistant assessor of the county taxes for said borough, and such other officers as may by law be required at such time, under like regulations, and for the same purposes as are or shall be hereafter be directed by law in the several townships within this commonwealth; and the assessor and assistant assessor, so elected, shall have, use, and exercise all and every the powers, rights, and privileges, perform all and every the same duties, and be subject to the same penalties within the said borough respectively, which are or shall be suffered by, or imposed upon like officers of the several townships of this commonwealth.

SECTION 19. From and after the passage of this act, the citizens and property in the borough of South Easton shall be, and remain distinct and separate from the township of Williams, in the assessment and collection of all State and county taxes, rates, and levies.

SECTION 20. No misnomer or failure of the election of officers, on the day appointed, shall dissolve or discontinue the said corporation; but the officers respectively, for the time being, shall continue in office till a new election shall be made, as is hereinbefore directed.

SECTION 21. That Thomas M. Miles, Samuel Hamilton, George Christman, junior, John Essick, and David Eppenhimer, be and they are hereby appointed trustees of the Methodist Episcopal Church in the borough of Pottstown, incorporated by the act entitled "An act to incorporate the Methodist Episcopal Church in Pottstown, in the county of Montgomery," passed the twenty-first day of April, eighteen hundred and forty," in place of James Wells, Samuel Hockley, John Dougherty, and John M. Miles, named as trustees of said corporation, in the second section of said act.

SECTION 22. In cases of applications made to any court,

agreeably to the act entitled "An act relating to inns, taverns, and retailers of vinous and spiritous liquors," passed March eleventh, eighteen hundred and thirty-four," for a license to keep an inn or tavern, at a house which had been previously licensed, and was injured or destroyed by fire, or other accident, while so licensed, and had been repaired or rebuilt, it shall be lawful for such court to grant such licence for the remainder of the year at any term of the court; and the sum to be paid for such license, for the remainder of such year, as well as the price of a license for the same place for the years ensuing, and previous to the next assessments, if any shall be fixed by the court granting such licenses.

Licenses may be granted to taverns repaired or rebuilt.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-seventh day of May, eighteen hundred and forty.

DAVID R. PORTER.

[No. 211.]

A FURTHER SUPPLEMENT

To an act, entitled "An act authorizing the Governor to incorporate the Mill Creek and Mine Hill Navigation and Rail Road Company," passed February seventh, eighteen hundred and twenty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the time for the completion of the "Mill Creek and Mine Hill Navigation and Rail Road Company's" navigation and rail road be extended to the seventh day of February, Anno Domini eighteen hundred and forty-five.

Time for completion extended.

WM. HOPKINS,

Speaker of the House of Representatives.

E. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-eighth day of May, A. D. eighteen hundred and forty.

DAVID R. PORTER.

[No. 212.]

AN ACT

Authorizing the laying out of certain State Roads, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That John Sloan, of Clarion county, John Calhoun and William McIntosh, of Armstrong county, Meek Kelley, and S. McAnulty, of Indiana county, be and they are hereby appointed commissioners to view, lay out and mark a state road, beginning at the town of Blairsville, in Indiana county, thence by the nearest and best route to Shallotta; thence by the nearest and best route by way of Elderton, to the town of Clarion, in Clarion county.

Commission-
ers of road
from Blairs-
ville to Clari-
on.

Duty of com-
missioners.

SECTION 2. It shall be the duty of the above named commissioners, or a majority of them, to perform the duties enjoined upon them by this act, with impartiality and fidelity, to carefully view the ground over which the road by them to be laid out may pass, and to lay out the same, as near to a straight line between the aforesaid points, as the nature of the ground and other important circumstances will permit, and so that the vertical departure from a horizontal line shall, at no point, exceed five degrees.

Mark route.

SECTION 3. It shall be the duty of the commissioners, plainly and distinctly, to mark upon the ground the route agreed upon for the road by them laid out as aforesaid, in such manner as to enable the supervisors readily to find the same; and for the purposes of fulfilling the duties in this act enjoined, the commissioners are hereby authorized to employ two chain bearers and one axeman, at a per diem allowance not exceeding one dollar.

Draft.

SECTION 4. It shall be the duty of the commissioners to make out a fair and accurate draft of the said location, noting thereon the courses and distances from point to point as they occur, the improvements passed through, and also the crossing of county or township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the first day of February next, and one copy in the office of the clerk of the court of Quarter Sessions of the respective counties through which the said road may pass on the day aforesaid, or as much sooner as practicable,

Deposited.

which shall be a record therefor, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired, which are laid out by order of the courts of Quarter Sessions of the Peace of the several counties of this commonwealth.

SECTION 5. The compensation of the commissioners shall be one dollar and twenty-five cents for each and every day necessarily employed by virtue of this act, and the accounts of the said commissioners, for their own pay and the pay of the hands as aforesaid shall be adjusted and allowed by the commissioners of the respective counties through which the said road may pass, and paid by the treasurer thereof on warrants drawn in the usual way, and in proportion to the length of the road in such county respectively. Compensation

SECTION 6. The said commissioners shall meet at the place Meeting of beginning on the road before mentioned, to be by them laid out on the first Monday of September next, or sooner as may best suit their convenience, and complete the location of the road as soon as practicable. And if a vacancy or vacancies shall happen by the resignation of any one of them, or by any other cause, the court of Quarter Sessions, of the county wherein such vacancy or vacancies shall happen is hereby authorized to fill such vacancy or vacancies by a suitable appointment. Vacancies.

SECTION 7. It shall be the duty of the said commissioners to take from each and every person or persons owning land along the road, by them to be laid out, acquittances or releases from any claim of damages, upon the condition that such road shall pass through the land of such person or persons, and to file the same in the commissioners office of the proper county. Releases.

SECTION 8. That Thomas Armstrong, Ebenezer Smith and Jacob Burr, of Armstrong county, and William Coleman and John Smith, of Indiana county, be and they are hereby appointed commissioners to lay out and locate a state road from the town of Saltzburg, in Indiana county, by the nearest and best route, by way of A. Woodward's mills and Elderton to Rural village, in Armstrong county, with like powers and privileges and restrictions to perform similar services, and to receive the same per diem allowance that are granted to and required of the commissioners appointed by this act to lay out a state road from Blairsville to Clarion, and the accounts of the said commissioners for their own pay and the pay of the hands as aforesaid, shall be adjusted and allowed by the commissioners of the counties through which the said road may pass, and paid by the respective treasurers thereof, on warrants drawn in the usual way, in proportion to the length of the road in said county. Commission-
ers of state
road from
Saltzburg to
Rural village.

Per diem al-
lowance.

SECTION 9. That Meek Kelly and Joseph Henderson, of

Commissioners of part of road from Warren to Smicksburg. Indiana county, and Robert Woodward, of Armstrong county, be and they are hereby appointed commissioners to review that part of the state road (laid out from Warren, in Armstrong county, by way of Shallotta and Johnston's Mill to Smicksburg,) which lies between Shallotta and Johnston's Mill, with power to alter the location of the same whenever it may be necessary. The commissioners named in this section shall have the same powers and privileges, and be under the same restrictions and perform similar services, and to receive the same per diem allowance, that are granted to and required of the commissioners appointed by this act to lay out a state road from Blairsville to Clarion, and the accounts of the said commissioners and hands as aforesaid, shall be adjusted and allowed by the commissioners of the counties through which the said road may pass, and paid by the respective treasurers thereof on warrants drawn in the usual way, in proportion to the length of the road in said county.

Per diem allowance.

Commissioners of road from Doylestown to Lumberville.

Proviso.

SECTION 10. That Mehelinn McGlathery, of Montgomery county, and David Riall, of Bucks county, be and they are hereby appointed commissioners to view, lay out, and mark a state road, beginning at the point of a state road in the borough of Doylestown, in the county of Bucks, and thence by the nearest and best route to the river Delaware, at or near Lumberville, in said county, subject to all the provisions and restrictions of the preceding act: *Provided*, That so much of the said state road as is located along the academy roads, as is within the bounds of the borough of Doylestown, shall not interfere with widening the said road beyond its present width of thirty-three feet.

Wyoming literary institute incorporated.

Liberties and franchises.

Proviso.

Income.]

By-laws.

SECTION 11. That all and every the persons, who shall at the time of passing this act be members of the association called the Wyoming Literary Institute, in Wilkesbarre, shall be, and they are hereby declared to be one body politic and corporate, by the name, style and title of Wyoming Literary Institute, and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded in all courts of record or elsewhere; and also, the said corporation and their successors, at all times hereafter be able to purchase, receive, have, hold and enjoy to them and their successors, all and all manner of lands, tenements, rents, annuities, liberties, franchises and other hereditaments, goods and chattels of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time to sell, grant, demise, alien and dispose of: *Provided*, That the clear yearly value or income of the said corporation shall not exceed thirteen hundred and thirty-three dollars and thirty-three cents, and also to make and have a common seal, and the same to break and renew at pleasure, and also to ordain, establish, and put in execution such by-

laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering the affairs thereof.

SECTION 12. Nothing in this act contained shall be deemed to authorize the said company to engage either directly or indirectly in any banking, moneyed, commercial or manufacturing concern, or to act in any other way than as an institution for the advancement of literature and science: *Provided*, That Banking &c. prohibited.
nothing herein contained shall entitle said corporation to receive the annual appropriation made to academies, colleges and female seminaries, by the fourth section of an act passed the twelfth day of April, one thousand eight hundred and thirty-eight, entitled a supplement to an act to consolidate and amend the several acts relative to a general system of education by common schools, passed the thirteenth of June, A. D., eighteen hundred and thirty-six. Proviso. Not to receive annual appropriation.

SECTION 13. The legislature reserves the power to alter, repeal or annul the privileges and charter hereby granted, whenever in their opinion the same may be injurious to the citizens of the commonwealth, in such manner however that no injustice shall be done to the corporators. Repealing clause.

SECTION 14. That Taylor F. Randolph, Thomas Van Horne, Esq., and John Reynolds, be and they are hereby authorized to cut a channel across the large bend on French creek, two miles below Meadville, so as to let the waters of said creek pass through the same, instead of through the old channel round said bend, and thereby improve the navigation of said creek at that place, but this act shall not take effect until the owners of the land, through which said new channel is to be cut, shall consent to the cutting of the same, and release the commonwealth from all damages arising therefrom. Channel may be cut across the large bend on French creek.

SECTION 15. That Edgar Huidekooper be, and is hereby authorized to straighten the channel of French creek, by cutting through the point of land belonging to H. J. Huidekooper, on the island opposite the mouth of the Cussewago creek, so as to let the waters pass in a more straight direction, and to improve the navigation of the creek: *Provided*, That the consent of the said H. J. Huidekooper, be first obtained. French creek channel straightened.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The 28th day of May, A. D. one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 213.]

A SUPPLEMENT

To the act entitled "An act authorizing the Governor to incorporate a company to erect a bridge over the Monongahela river, at the borough of Birmingham, in the county of Allegheny, with power to construct a turnpike road from the south end of Denman street, in said borough, to intersect the Monongahela and Coal Hill Turnpike Road," passed the third day of April, one thousand eight hundred and thirty-seven, and for other purposes."

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the time prescribed by the act to which this is a supplement, for commencing the erection of the bridge, and the construction of the turnpike road authorized therein, be and the same is hereby extended for the period of three years from and after the passage of this act; and the said act is hereby revived and continued, in all respects, in force, as though no provision thereof had expired.

SECTION 2. That the seventy-third section of an act entitled "An act authorizing the Governor to incorporate the Mahoning, Kittanning, and Freeport turnpike road company, and for other purposes," passed the second day of April, Anno Domini, one thousand eight hundred and thirty-eight," be and the same is hereby repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-eighth day of May, A. D. one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 214.]

A N A C T

To incorporate the Bradford Rail Road and Coal Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James S. Spencer, A. G. Waterman, James S. Pringle, Thomas Bell, N. Smith, G. W. Conaroe, Isaac W. Potts, Sansom W. Trotter, Sydney V. Smith, John Richardson, John N. Weston, Gordon F. Mason, and their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, by the name, style and title of the Bradford Rail Road and Coal company, for the purpose of constructing a rail road as hereinafter is provided, and also for the purpose of mining coal and for transacting the usual business of companies engaged in mining, transporting and selling coal, and the other products of coal lands, and the said corporation by the said name is hereby declared and made capable in law, to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of the said corporation, consistent with the laws of the United States, and of this commonwealth, and generally to do and execute for the well being of said company, whatever shall lawfully pertain to such bodies politic: *Provided,* That each stockholder shall be liable in his individual capacity for the debts and performance of all contracts entered into by the said company, to the amount of the balance unpaid on the stock by them subscribed respectively.

Corporators.
Name and title.
Privileges and franchises.
Seal.
By-laws.
Proviso.
Liability of stockholders.

SECTION 2. The said company shall have the right to hold, either by purchase or lease, not exceeding three thousand acres at any one time in not more than two tracts, the whole to be within the county of Bradford, in the commonwealth of Pennsylvania, and the same or any part thereof to sell or otherwise dispose of as the interest of the company may require: *Provided,* That the said company may hold as above such lot or lots of land, not exceeding five acres in any one place as may be found convenient, as places of deposit in the transportation and sale of the products of their mines.

Company to hold 3000 acres of lands.
Proviso.

SECTION 3. The capital stock of said company shall be and consist of three hundred thousand dollars, and shall be divided into six thousand shares of fifty dollars each, which ca-

Capital stock
No. of shares
how stock to

be employed. pital stock shall only be employed in constructing rail roads, in the holding and purchasing the lands aforesaid, with the improvements if any thereon, and in constructing such other improvements, building, cars, boats, engines and machinery as may be necessary or useful for constructing said rail road, and for the mining, transportation and sale of coal, and in the payment of such salaries, wages and other expenditures as shall be requisite for the purposes aforesaid of the company, and said stock shall be assignable and transferable according to such rules as the board of directors shall establish.

SECTION 4. When the above named G. W. Conaroe, Isaac W. Potts, Sansom W. Trotter, Sydney V. Smith, John Richardson, James S. Spencer, A. G. Waterman, James S. Pringle, Thomas Bell, N. Smith, John N. Weston, Gordon F. Mason, and their associates, shall have subscribed the whole number of shares aforesaid, and actually paid and expended not less than fifteen per cent. of the capital aforesaid in purchasing lands, and in such other investments as are authorized by this act for the use of said company, the Governor on due evidence thereof, shall, by letters patent, under his hand and the seal of the state, create and erect the said James S. Spencer, A. G. Waterman, James S. Pringle, Thomas Bell, N. Smith, G. W. Conaroe, Isaac W. Potts, Sansom W. Trotter, Sydney V. Smith, John Richardson, John N. Weston, Gordon F. Mason, and their associates, successors and assigns, into one body corporate, by the name, style and title of the Bradford Rail Road and Coal company.

SECTION 5. The affairs of the said company shall be managed by seven directors, to be chosen annually from the stockholders; the first election shall be held in the city of Philadelphia within sixty days after letters patent aforesaid shall have issued: of which election, public notice shall be given by four or more of the corporators named in the first section of this act, at least two weeks prior thereto, in one newspaper printed in the county of Bradford, and two or more newspapers printed in the city of Philadelphia, and the subsequent elections shall be held annually at such convenient time and place as the directors shall determine, of which thirty days previous notice shall in like manner be given by the president of said company, or by any five of the directors: *Provided*, That in the event of a failure to hold such election, the former directors may continue in office for a period not exceeding six months, or until such election shall be held.

SECTION 6. The election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held by said stockholder, in the proportion following: that is to say, for each share not exceeding four shares, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every ten shares above thirty,

and not exceeding one hundred, one vote; for every twenty shares above one hundred, one vote. No share shall confer a right of voting which shall not have been transferred at least three calendar months prior to the day of election, nor unless it be bona fide held or owned by the person in whose name it appears, in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right of, and for the use and benefit of some co-partnership, society, or corporation, of which he or she may be a member; and all votes by proxy shall be on such terms and conditions as are prescribed by the then existing laws regulating proxies. Proxies.

SECTION 7. The directors shall, as soon as convenient after their election, choose one of their number as president, to serve for one year. They shall also have power to appoint, as occasion may require, all other officers and agents of the company, and to supply vacancies in the board arising from death, resignation, or otherwise, until the next annual election; at all meetings of the board, four directors shall form a quorum to transact business. President. Officers and agents.

SECTION 8. The directors may, from time to time, call in, on thirty days notice thereof, in at least one newspaper printed in the county of Bradford, and two daily papers printed in the city of Philadelphia, such instalments on the stock of said company as they may judge best, not exceeding twenty per cent. thereof, at any one time and place appointed; and if any instalment on the stock, so called in, shall remain unpaid for the space of thirty days from the time so appointed, every such stockholder, or his or her assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and if the same and additional penalty remain unpaid for such length of time as that the accumulated penalty shall become equal to the sums before paid in part, and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase for such price as can be obtained for the same, or in default of payment by any stockholder of any such instalment, as aforesaid, the president and directors may, at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether an original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to said election or meeting. Instalments. Penalty for neglect of payment. Proviso.

SECTION 9. Dividends of so much of the profits of the company as shall appear to the directors advisable shall be de- Dividends.

Liability of
directors.

Proviso.

Tax on divi-
dends.

Route.

Double or
single track.

Power to ex-
tend.

Map to be
filed in secre-
tary's office.

Authority to
enter upon
lands.

clared twice a year, and paid to the stockholders or their legal representatives on demand, at any time after the expiration of ten days after having been declared, but said dividend shall in no case exceed the amount of the nett profit actually acquired by the company, so that the capital stock shall never be thereby impaired, and if any dividend shall be declared which shall impair the capital stock of said company, the directors consenting thereto shall be liable in their individual capacities to said company for the amount of stock so divided, and each director present when such dividend shall be declared, shall be adjudged consenting thereto, unless he shall forthwith give public notice to the stockholders of the declaring of such dividend: *Provided*, That whenever the dividends shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all such dividends into the treasury of the state, for the purposes of education, and the president or secretary of said company shall annually, in the month of January, transmit to the legislature under oath or affirmation, a statement of the receipts and expenditures thereof, and of any dividend which may have been declared during the preceding year.

SECTION 10. The company hereby incorporated shall have power to survey, lay down, and ascertain such route as they shall deem expedient for a rail road, with double or single track, beginning at a convenient point on the Pennsylvania canal, at the borough of Towanda, in Bradford county, and to extend the same to the coal land in Franklin and Monroe townships, in said county, and shall have the right of extending said road or of constructing lateral rail roads thereupon, to such coal mines in said townships or their vicinity, as from time to time may be found expedient, with the right also to extend the same so as to form a junction with the Williamsport and Elmira rail road, at such part thereof as they may find practicable, and the said rail road shall not pass through any burial ground, place of public worship or dwelling house, without the consent of the owner, and the said company shall, with six months after ascertaining the route of said rail road, cause an accurate survey of the lines of said road to be made, a map or plot of which survey they shall cause to be filed in the office of the Secretary of State, which map or plot or certified copy thereof, shall be sufficient evidence of the route of said road which may then be opened, and all the expenses thereof shall be defrayed by said company.

SECTION 11. That the said company shall have power, by themselves or agents, to enter in and upon such lands as may be necessary to make the rail road aforesaid, and also have liberty of taking from any land in the neighborhood, gravel, stone, wood, or other materials necessary for the construction of said rail road, upon paying the owner or owners thereof

for the same before removal, and for damages done by entering on such lands, if the owner of said land, and said company can agree on the value of such materials and amount of damages sustained, and in case they cannot agree, either party may apply to a justice of the peace residing in the township in which the lands are situate, who shall notify the parties or their agents to meet at his office, at some suitable time, not less than five nor more than eight days thereafter, to choose three judicious and disinterested persons to value such materials and damages, and if the parties when met cannot mutually agree on three men, each party shall nominate one person and the justice one person, and the persons so chosen shall, after being duly sworn or affirmed to perform their duty with impartiality, proceed to value the said materials and damages, and make a report of their proceedings to said justice, who shall enter the same on his docket, and upon paying the amount of such valuation to the owners of the lands, or giving adequate security therefor, in case of a refusal to receive such amount, the said corporation may remove such materials for said premises.

SECTION 12. That whenever it shall be necessary for the said company to enter in and upon and occupy, for the purpose of making of said rail road, any land upon which the same may be located, if the owner or owners of said land shall refuse to permit such entry and occupation, and the parties cannot agree upon the compensation to be made for any injury or supposed injury, that may be done to said land by such entry and occupation, then it shall be lawful for the court of Common Pleas of the county in which the land lies, on application of either party, and at the cost and charges of said corporation, to award a *venire* directed to the sheriff of the county, requiring him to summon a jury of disinterested men to view, examine and survey the said lands, tenements or hereditaments, and estimate the injury or damages, if any, that in their opinion will be sustained as aforesaid by reason of said rail road, and report the same under their oaths and affirmations to the said court, which report being confirmed by the said court, judgment shall be entered thereon, and the said sheriff and jurors shall be entitled to the like fees for their services as are allowed by law in other cases of special juries, to be paid by said company, and it shall be the duty of the said jury, in estimating such injury or damage, to take into consideration the advantage that will be derived to the owner or owners of such lands for said rail road; *Provided*, That either party may appeal to the court, within thirty days after such report shall have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases, and upon the filing of such report or inquisition and the confirmation thereof, or upon final judg-

Compensation for land and materials

Mode of ascertaining damages.

Proviso.

Right of appeal &c.

ment and appeal therefrom, and the said company paying to such owner the amount in said report or judgment specified, in full compensation for said lands or for the injury sustained as aforesaid, the said company shall become seized of the same estate in the said lands which the owner held in the same, and they and all who act under them shall be acquitted and freed from all responsibility for or on account of such injury: *Provided*, That the payment of damages aforesaid for the lands through which the said road may be laid, shall be made before the said company, or any person under their direction, or in their employ, shall be authorized to enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners be first obtained.

2d Proviso.

Damages to be paid before entry upon land.

Public roads not to be impeded.

Causeways to be made.

Penalty.

SECTION 13. That the said rail road shall be so constructed as not to impede or obstruct the free use or passage of any public road or roads which may cross or enter the same, and in all cases where the said rail road may cross, or in any manner interfere with any existing public road, the said company shall make or cause to be made a good and sufficient causeway or causeways, to enable all persons passing or travelling said public roads to cross and pass under or over said rail road, and if the said company shall neglect or refuse to keep such way or causeways in good repair, they shall be liable to a penalty of ten dollars for every day the same shall be so neglected or refuse to be repaired, to be recovered by the supervisors of the township with costs, for the use of the township, as debts of the like amount are by law recoverable, and shall moreover be liable to all actions at the suit of any person who may be aggrieved thereby.

Private causeways to be made.

To be kept in repair.

Proviso.

SECTION 14. That for the accommodation of all persons owning or possessing land through which the said rail road may pass, it shall be the duty of the said company to make or cause to be made a good and sufficient causeway or causeways, wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over the same with wagons, carts and implements of husbandry, as occasion may require, and the said causeway or causeways when so made, shall be maintained and kept in good repair by said company, and if the said company shall neglect or refuse on request to make such causeway or causeways, or when made to keep the same in good order, the said company shall be liable to pay any person aggrieved thereby all damages sustained by such person, in consequence of such neglect or refusal, to be paid for and recovered before any magistrate or court having cognizance thereof: *Provided*, That the said company shall in no case be required to make or cause to be made more than one causeway through each plantation or lot of land, for the accommodation of any one person owning or

possessing land through which said rail road may pass, and when any public road shall cross said rail road, the person owning or possessing land through which said public road shall pass, shall not be entitled to require the company to erect or keep in repair any causeway or bridges for the accommodation of the occupant of said land: *Provided further,* ^{2d Proviso.} That in the event of any private bridge or causeway being converted to private use, so as to be made to accommodate a public road laid out subsequent to the passage of this act, then and in such case the company shall be forever thereafter exonerated from the duty of keeping the said bridge or causeway in repair.

SECTION 15. No suit or action shall be brought or prosecuted by any person or persons, for any penalties incurred under this act, unless such suit or action shall be commenced within ten months next, after the offence shall have been committed, or the cause of action shall have accrued; and the defendant or defendants, in such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act. ^{Suits for penalties when to be commenced.}

SECTION 16. If any person or persons shall wilfully and knowingly break, injure, or destroy the railroad, or any part thereof, to be erected by the said company in pursuance of this act, he, she, or they shall forfeit and pay to the said company three times the actual damages so sustained, to be sued for and recovered with costs of suit in any court having cognizance thereof, by action of debt, in the name and for the use of said company. ^{Penalty for injuring work}

SECTION 17. The said company shall be entitled to receive ^{Tolls.} toll from all persons travelling on said road: that is to say, on each ton of coal, one and a half cents per mile; on each ton of salt, gypsum, and lime, two cents per mile; on brick two cents per ton per mile; lumber, square and round, for every hundred feet solid, two cents; on boards, planks, scantling, or other sawed stuff, reduced to inch stuff, two cents for every thousand feet per mile; on shingles per thousand, one and a half cents per mile; on staves and heading for pipes and hogsheds per mile, two cents per thousand; staves and headings for barrels, and other vessels of less size, one cent. per mile per thousand; for all other articles not enumerated, three cents per ton per mile; on all single and detached articles, weighing less than a ton, it shall be lawful to charge and receive, on the transports thereof, an advance of ten per cent. on the rates, as above stated.

SECTION 18. That in all suits or actions which may be brought against said company, the service of process upon any manager, toll-gatherer, or other officer of the company, ^{Actions against company.}

shall be as good and available in law as if made on the president thereof.

Road to be a public highway.

Rules &c.

Road may be intersected.

Time or commencement and completion.

Increase of capital stock.

Right to alter, repeal, amend, purchase and rescind.

SECTION 19. That the said road shall be a public highway on the completion of a section of five miles or more of the railroad; all transportation on the same, of whatever nature or kind, shall be carried on and conducted under the superintendence and direction of said company, who shall make rules for the regulation of all travelling and transportation on the same, and alter the same as they may deem expedient; and it shall be lawful for any company that may hereafter be incorporated by any law of this commonwealth, or any individual or individuals, to intersect said railroad or railroads, at any place where it may be deemed expedient, so that the same may be in such manner as not to injure the same.

SECTION 20. If the said corporation shall not commence the construction of the said railroad within the term of five years, and complete the same as far as the coal lands in Franklin township, within ten years from the passage of this act, then this charter shall be null and void.

SECTION 21. If any increase of capital stock be deemed necessary by the stockholders to complete the said railroad, or to extend the same, it may be lawful for the said company, at a stated or special meeting to be convened for the purpose, to increase the number of shares, so that in the whole they shall not exceed ten thousand shares, and to receive and demand, for shares so subscribed, the moneys in like manner, and under like penalties, as is hereinbefore provided for the original subscription, or as shall be provided for by their by-laws.

SECTION 22. That if the said company shall, at any time, misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges hereby granted to the said corporation; and the legislature reserves the right to purchase the said road at any time after twenty years from the passage of this act, by paying to the said company a sum of money which, together with the toll received, shall equal the cost and expenses of said railroad, with an interest of eight per cent. per annum thereon.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-eighth day of May, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 215.]

A N A C T

To incorporate the Franklin Cemetery Company in the township of the Northern Liberties, county of Philadelphia, and for other purposes.

WHEREAS, Mrs. Catharine R. Livingston, of the township of the Northern Liberties in the county of Philadelphia, has proposed to convey to George Boyd, and John W. Kester, a lot of land containing about seven acres, lying on the Frankford road, near the two mile stone, of which she is the owner Preamble. in trust nevertheless, for the purpose of a rural burial place to be called the Franklin Cemetery: *And whereas*, William H. Moore, Nicholas Helverson, William C. Stiles, Benjamin S. Janney, A. J. Bucknor, Charles J. Wolbert, Zachariah B. Ziegler, R. W. Evans, Joseph Battin, A. Miskey, John Agnew, Henry W. Chadwick, George Mulock, Abel Reed, J. E. Parker, Thomas Harrison, S. B. Kingston, George Scott, William Super and others, have signified their wishes to take lots in the said cemetery as burial places for themselves and families, to the number of nearly one hundred: *And whereas*, it has been customary among all nations to promote as far as may be practicable by legislative enactments, the laudible object of setting apart, and appropriately ornamenting such places of burial, and also of securing them from all ordinary liabilities of disturbance.

Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said George Boyd, John W. Kester, Corporators. William H. Moore, Nicholas Helverson, William C. Stiles, Benjamin S. Janney, A. J. Bucknor, Charles J. Wolbert, Zachariah B. Ziegler, R. W. Evans, Joseph Battin, A. Miskey, John Agnew, H. W. Chadwick, George Mulock, Abel Reed, J. E. Parker, Thomas Harrison, J. B. Kingston, George Scott, and William Super, together with such other persons as have become purchasers, or who may hereafter become purchasers of lots in the said Cemetery, be and they hereby are Name. made a body politic and corporate in law, under the name of the Franklin Cemetery Company.

Burial lots.

SECTION 2. That the said George Boyd, and John W. Kester, trustees as aforesaid, shall have power to arrange and lay out the said lot of land, so conveyed to them in trust by the said Catharine R. Livingston, for a rural cemetery into lots or subdivisions for family and other burial places, together with the avenue leading thereto, and to plant and embellish the same with trees, shrubbery, flowers, walks and other rural ornaments, according to the original intention of the parties concerned, as expressed in their printed plan, and also that the said William H. Moore, Nicholas Helverson, William C. Stiles, Benjamin S. Janney, A. J. Bucknor, Charles J. Wolbert, Zachariah B. Ziegler, with such other persons as have become, or may hereafter become purchasers of lots in the said cemetery, shall have power to meet and elect from among themselves, a board of seven managers, upon whom shall devolve the charge of the separate interests of the owners of lots in the cemetery, with full powers to adopt all such rules and regulations as they may deem proper, relating to the same, *Provided always*, That the said board shall not interfere with the separate interests of the said trustees, or with the primary rules and regulations agreed upon between them and the original purchasers.

Managers.

Proviso.

Trustees to lay out adjoining lot.

SECTION 3. That the said trustees shall have power by and with the consent of the said board of managers, chosen by the purchasers of burial places in the lot aforesaid, to accept and fulfil a further trust from the said Catharine R. Livingston, or her heirs, of an adjoining lot of about five acres, to be laid out in the same way for a burial place, and subject to the same rules and regulations, and for the same purposes as the first mentioned lot, if the same shall be thought expedient.

No streets &c to pass through cemetery.

SECTION 4. That no streets, lanes or roads, shall hereafter be laid out through the lands so occupied as a cemetery as aforesaid, and that the same, or so much thereof as may be actually occupied as a place of burial, shall be exempt from taxation.

Court may appoint commissioner to take depositions &c.

SECTION 5. That the judges of the district court of Allegheny county, be and they are hereby authorized to appoint a commissioner, with authority to take depositions, to be read on the trial of causes in said court, or upon motions, rules, petitions, and other matters that may be brought before said court, and the judges thereof shall provide such regulations as they shall think expedient, setting forth the conditions upon which the deposition taken as aforesaid, may be read on evidence. And they shall have authority to supercede any commissioner appointed by them, by appointing another in his place.

Power of commissioner.

SECTION 6. The commissioner thus appointed, shall have authority to administer oaths, and shall receive such compensation for his services as the court shall direct, which shall be taxed among the costs of the suit in which depositions shall

be taken, in the same manner as depositions taken under the existing laws.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-ninth day of May, A. D., one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 216.]

A N A C T

To incorporate the Middlefield Coal Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George W. Riter, Thomas Weaver, Thomas W. Francis, Frederick Augustus Raybold, William Shippen, William W. Haly, and their associates, successors, and assigns, be and they are hereby constituted a body politic and corporate, by the name, style and title of the Middlefield coal company, with a capital of two hundred and fifty thousand dollars, divided into five thousand shares, of fifty dollars each, and the said company may hold not exceeding two thousand acres of land, consisting of not more than two distinct bodies within the counties of Northampton and Luzerne, and shall have power to locate and construct a rail road from any point or points on their lands to any convenient point of intersection with the Beaver Meadow Hazelton rail roads, and any other rail roads in the valleys of Hazle, Beaver, Quakake, and other neighboring creeks, and the Lehigh canal or any of them and the company hereby incorporated shall possess and enjoy all the powers, privileges, and immunities, and be subject to the restrictions, terms and conditions (except so far as is herein otherwise provided) provided in an act to incorporate the Hazelton coal company, passed the eighteenth of March, Anno Domini, one thousand eight hundred and thirty-six; *Provided*, That whenever the

Corporators.
Name and style.
Capital \$250,000
Company to hold 2000 acres of lands.
May intersect Beaver Meadow and Hazelton rail road
Privileges, &c.
Proviso.

Dividends. Tax. 2d Proviso. dividends shall exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all such excess into the treasury of the state for the purposes of education; *And provided further*, That the said company shall not appropriate to their use for rail road purposes any lands without first paying the owner for the same.

Duration of charter. Right to repeal &c. SECTION 2. This act shall continue to be in force until the first day of May, Anno Domini, eighteen hundred and sixty-two, but it shall be lawful for the legislature at any time to repeal any of the foregoing provisions, and to rescind the powers hereby granted.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-ninth day of May, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 217.]

A N A C T

Relating to the evidence of the publication of Ordinances of the borough of Carlisle and Meadville, and for other purposes.

Evidence of publication of Ordinances. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That an affidavit made by the town clerk of the boroughs of Carlisle and Meadville, and entered upon the minutes of the town council of the said borough, setting forth that an ordinance of such borough had been duly published according to law, shall be evidence of such publication.

Susannah Cocklin legitimated. SECTION 2. That Susannah Cocklin, wife of John W. Cocklin, of Cumberland county, and natural daughter of John Snyder, late of Cumberland county, deceased, and Elizabeth Weaver, shall have and enjoy all the rights, benefits and advantages of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, and shall inherit the estate of her late father, deceased,

as fully and completely, and not otherwise, to all intents and purposes, as if the said Susannah had been born in lawful wedlock.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-ninth day of May, A. D., one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 218.]

AN ACT

To incorporate the town of Zelienople, in the county of Butler, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Zelienople, in the county of Butler, and territory included within the following Boundaries. boundaries, to wit: Beginning on the banks of Connequenessing creek, where P. L. Passavant's lot adjoins the outlots of Harmony; thence along Passavant's lot south five degrees, east crossing the road leading from Zelienople to Harmony, twenty-eight perches; thence by lot of Spier, and said road south eighteen degrees, west seven and one-half perches to a street; thence on the east side of said street, south nine degrees, east crossing New Castle and Beaver street, one hundred and one perches, and eighteenth of a perch; thence along Beaver street south eighty-one degrees, west fifty perches to the grave yard lane; thence along said lane, including the same, south nine degrees, east one hundred and twenty perches; thence south eleven and one-half degrees, west by lands of Andrew Ziegler, seventy-seven perches; thence west through lands of P. L. Passavant, one hundred perches; thence north nine degrees, west along the west side of a lane by lands of said P. L. Passavant, Joseph Ziegler, and John Herr, three hundred and forty-two perches, to the

Borough erected. bank of the Connequenessing creek ; thence up the said creek along the bank of the same, to the place of beginning, are hereby erected into a borough, which shall be called and styled the borough of Zelienople.

Annual election. SECTION 2. That the inhabitants of said borough entitled to vote for members of the general assembly, having resided therein one month immediately preceding the election, shall, on the third Friday of June next, and annually thereafter on the same day, which now is, or hereafter may be fixed by law for the election of constables and other township officers within this commonwealth, meet at the brick school-house in said borough, and then and there, between the hours of eight o'clock in the forenoon, and seven o'clock in the afternoon, elect by

Burgess council assessors justices and auditors. ballot one of the citizens, who shall be styled the burgess of the said borough, and seven other citizens to be styled the town council, one assessor, and two assistant assessors of the county rates and levies, two persons to serve as justices of the peace, and three auditors of the public accounts of the said borough, which election shall, in all respects, be conducted in the same manner as is provided for the election of township officers within this commonwealth, except that the certificates of the election of burgess, town council, and auditors, shall be filed among the records of corporation: *And*

Proviso. *provided*, That in case of the death, resignation, removal, or refusal to accept of any of said offices, the vacancy may be

Vacancy. supplied by a new election, in all cases where, by the existing laws, there is not provision made for supplying vacancies by appointment: *And provided further*, That for the first

Notice of election. election to be held under this act, it shall be the duty of P. S. Passavant, John Read, and John Levis, or any of them, to give notice, and perform all the duties enjoined upon constables by the existing laws relative to township elections ; and in case no election shall be held on the first day mentioned, they shall appoint some other day, and perform the said service ; but previous to opening of such election, such of the citizens entitled to vote, as aforesaid, as may be present at the time and place of opening the same, shall choose one judge and two inspectors, and two clerks thereof, who shall be sworn or affirmed, in the same manner as is provided by law for swearing or affirming election officers, and they shall perform the duties required of them by law relative to township elections ; and in case two or more candidates should

Equal votes determined. have an equal number of votes, the preference shall be determined by lot, to be drawn by the inspector and judges in the presence of the clerk, immediately after the votes are counted off ; whereupon duplicate certificates of said election shall be signed by the said judge and inspectors, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation.

SECTION 3. That the Burgess shall be President of the President.
Council, and shall have and exercise all the rights and privileges
of a member thereof in every respect.

SECTION 4. That the Burgess and Town Council shall meet
on the first Monday next succeeding their election in each year,
and as often thereafter as occasion may require. Three mem- Meeting.
bers shall constitute a quorum to do business, and the proceed-
ings of a majority of a quorum, when there is one formed, Quorum.
shall be valid; they shall have power in the absence of the
burgess to elect a president pro tem., who shall in the case of
death, resignation, refusal to accept, or to act, or inability of
the burgess to attend, perform all and every duty enjoined on
the burgess. The burgess, or in his absence, the president
pro tem. shall have power to call special meetings of the coun-
cil, but in all cases of special meetings personal notice shall
be given to every member, unless absent from the borough.
The burgess and members of the town council shall in all
cases continue to hold and exercise the duties of their respec-
tive offices until their successors shall be duly elected and
qualified.

SECTION 5. That if any person duly elected burgess or
member of the town council, and having received notice Refusal to act
thereof, as directed by this act, shall refuse or neglect to take
upon himself the execution of the office to which he shall
have been elected, or having taken upon himself such duties,
shall neglect to discharge the same according to law, every Penalty.
such person so refusing or neglecting shall for every such
offence forfeit and pay the sum of ten dollars, and every other
officer elected or appointed by virtue of this act or the by-laws
or ordinances of the town council, aforesaid, who shall refuse
or neglect to take upon himself the execution of such office,
or having accepted the same, shall refuse or neglect to per-
form the duties thereof, shall for every such refusal or
neglect pay a fine not exceeding five dollars, at the discre-
tion of the burgess; which fines, and all other fines that may
be incurred under this act, or any of the by-laws or ordi-
nances of the town council, shall be for the use of said cor-
poration, and shall be recovered in the name of the burgess
and town council of the borough of Zelenople, as debts of Proviso.
like amount are recoverable by law; *Provided*, That no per-
son shall be compelled to serve more than one year in any
term of three, and that the payment of a fine shall be equiva-
lent to a service of one year in any office; *And provided fur-*
ther, That nothing herein contained shall be construed to
exonerate any constable or other officer from the payment of
any fine or penalty imposed by the existing laws, or that may
hereafter be enacted, for refusing to serve in such office.

SECTION 6. The burgess shall take and subscribe an oath Oaths.
or affirmation before one of the judges of the court of Com-
mon Pleas, or a justice of the peace, of said county of Butler,

to support the constitution of the United States and of the state of Pennsylvania, and an oath or affirmation to execute the office of burgess of the borough of Zelienople with fidelity, and when so qualified, he shall administer an oath or affirmation to each of the members of the town council, high constable, town clerk, clerk of the market, (if one shall be appointed,) and such other officers as shall be appointed or elected under this act, or any by-law or ordinance of said borough, before they shall enter upon the duties of their respective offices; which oath or affirmation so taken and subscribed shall be filed among the records of said corporation.

SECTION 7. That from and after the third Friday in June next, the burgess and town council duly elected, and their successors, shall be one body politic and corporate, by the name and style of the burgess and town council of the borough of Zelienople, and shall have perpetual succession, and the said burgess and town council, and their successors, shall be capable in law, to have, receive, hold and possess goods and chattles, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors in fee simple or otherwise, not exceeding the yearly value of three thousand dollars; and also to grant, sell, let and assign the same, and shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of law in this commonwealth, in all manner of actions whatever, and to have and to use one common seal, and the same from time to time, at their will, to change and alter.

SECTION 8. That the town council shall have power to pass and enact such by-laws, rules, regulations and ordinances, as they may determine necessary to promote the peace, good order and general welfare of the inhabitants and well being of the said borough, and for the purpose of improving and keeping in good order, the streets, lanes, alleys, public squares and common grounds, land, wharfs, landings, or other property, whatsoever, that has heretofore at any time been granted to the use of the citizens of Zelienople, or that may hereafter be granted to the use of the corporation, and for removing nuisances and obstructions therefrom, and the same to alter, make anew or annul, as the occasion may require, and also to assess, levy and collect, and appropriate such taxes as shall be necessary to carry their rules and ordinances into effect, and to make all necessary contracts and engagements for the same purpose, they shall have the same authority in obtaining materials for improving the streets, lanes, alleys, landings, wharf and public grounds, as the supervisors of the highways within this commonwealth have; and for neglect of their duty in keeping the same in good order, they may be proceeded against, by indictment, in the court of quarter sessions of said county, and be subject to the like fines and penalties as the supervisors are, for any neglect of duty in relation to keeping the public high-

ways in good order, they shall annully appoint a town clerk, treasurer, collector of taxes, clerk of the market, when necessary, and such other offices as they may deem expedient, and the same to remove at pleasure; the officers to be appointed by the council, shall be allowed such compensation as the council may fix and agree on, but the members of the council themselves shall not be entitled to any compensation for their services as members of the town council; the council may remit any fines or penalties that may be incurred under this act, or any of the by-laws or ordinances, when in their judgment it may be proper so to do, except any fine or penalty that may be imposed upon them by the court of quarter sessions of the county, for neglect of duty: *Provided*, No by-law, rule, regulation or ordinance, of the said corporation, shall be repugnant to the constitution and laws of the United States or of this commonwealth, and that no person shall be subjected to any fine or punishment, for a violation of any by-law or ordinance of the said borough, until after six days shall have expired after the promulgation thereof, by at least four copies of the same, put up at the most public places within the said borough, and signed by the president or president pro tem, and attested by the town clerk. It shall be the duty of the burgess to cause all the by-laws and ordinances of the council to be carried into effect, and to do and perform all such other services as may be enjoined on him by the same: *And provided also*, That no tax shall be levied, in any year, exceeding fifty cents in the hundred dollars, on the valuation of property in said borough, made for county purposes, unless two-thirds of the taxable inhabitants of said borough who may be assembled in such meeting, upon ten days notice given by the president of the town council to meet for that purpose, shall authorize a greater tax to be levied. Tax limited.

SECTION 9. That it shall be the duty of the burgess to issue his warrant to the collector, as often as occasion may require, commanding him to collect the taxes assessed by the town council, a list or duplicate of which shall be made out and delivered to said collector, and to pay the same to the treasurer; and the said collector shall have the like power and authority, in the collection of said taxes, as the collectors of county rates and levies, and may be proceeded against in the same manner that county treasurers or county commissioners are authorized by law to proceed against the collectors of county taxes, when they neglect to collect or pay over the amount of taxes in their duplicates according to law: *Provided*, That the town council may hear any complaint in relation to the assessment of the said taxes, and grant such relief as shall seem best at any time, and also exonerate the collector from the payment of any tax that may be impracticable to collect; and in all cases of any tax assessed upon any vacant or unseated lot within said borough Warrant for taxes.
Proviso.

and the taxes remain unpaid, it shall be lawful for the collector to certify the same to the county commissioners of Butler county, in the same manner as supervisors of the roads are authorized by law to return road taxes or unseated lands, and the county treasurer shall, in like manner, collect the said taxes, or sell and convey the lot or lots for the payment of the same and pay the money to the treasury of the borough, common school directors, or to whomsoever it may belong.

Duty of clerk. SECTION 10. That it shall be the duty of the town clerk to attend all meetings of the town council when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the corporate seal and records of the corporation and be answerable for the same, and also for the faithful discharge of all the duties which may be enjoined upon him by this act, or of the acts of the corporation, he shall keep a fair journal of the proceedings of the council in a book to be provided for that purpose, and shall enter all by-laws and ordinances adopted by the council in a separate book for that purpose, and when signed by the president, shall attest the same, he shall keep a fair index to the same, he shall certify copies under the seal of the corporation, which copies of any book, paper, by-laws, ordinances or proceeding of the council when so certified and attested by the clerk, shall be good evidence of the thing certified; he shall deliver over to his successor the seal and all the books, papers and other things belonging to the corporation, and upon neglect or refusal so to do, upon demand made, he shall forfeit and pay a fine of not less than fifty dollars, and be accountable for all damages sustained by the corporation, to be recovered as like debts and damages are by law recoverable.

Penalty.

Duty of treasurer. SECTION 11. That it shall be the duty of the treasurer to receive all monies due to the corporation, whether for taxes, fines, donations or in any other way, and to pay out the same on orders of the president or president pro tem., he shall keep fair accounts of his receipts and payments, and settle his accounts with the auditors whenever they shall require the same to be done, and pay over all moneys or balances found in his hands, and deliver to his successor in office, all books, papers and accounts belonging to the corporation or pertaining to his official duties when demanded, for which he shall give bond to the burgess and town council, with sureties therein as they may require.

Moneys how drawn. SECTION 12. That no moneys shall be drawn from the treasury, but by authority of the council, on orders signed by the president thereof, and attested by the clerk. It shall be the duty of the auditors to settle the accounts of the several officers annually, and to cause a fair statement showing the receipts, into the treasury, and how the same shall have been expended, to be published by the town clerk every year, in

the month of March, by setting up at least four copies thereof, in the most public places within the borough.

SECTION 13. It shall and may be lawful for all persons entitled by law to vote for burgess, and other officers of the borough of Zelienople, at the same time and place where they vote for borough officers, to elect two reputable citizens of said borough for constables, and return the names of the persons so elected to the next court of quarter sessions of the said county, one of whom shall be appointed constable of said borough, in the like manner, with the like powers and authority, and receive like fees, and be subject to regulations and penalties, as are provided and contained in the laws now existing, or that may hereafter be passed concerning constables within this commonwealth; and the said constable, so appointed, shall do and perform all the duties required to be done by the high constable of said borough, in pursuance of this act, and of the by laws and ordinances of said borough. Constables.

SECTION 14. That the territory within the limits of the said borough shall be a separate district for the levy and collection of county rates and taxes, and in all other respects shall be separate from the township of Conoquenessing, in said county, and that all jurisdiction of the officers of said township, from the third Friday of June next, shall cease, except so far as to collect any taxes that may then be due and owing to them from the inhabitants of said borough: Separate dist. for taxes.
Provided. That nothing herein contained shall be construed to effect the election district as now formed, and for holding the general elections, but that the township of Conoquenessing, including the borough of Zelienople, shall be and remain an election district, the same as though this act had not been passed. Proviso.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-ninth day of May, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 219.]

A N A C T

To incorporate the Northern Liberties Hose Company of the county of Philadelphia, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That all and every the persons who shall at the time of the passage of this act be members of the association called the Northern Liberties Hose Company of the county of Philadelphia, and all such persons as shall be hereafter regularly admitted as members of the same, shall be and they are hereby declared to be a body politic and corporate, by the name, style and title of the Northern Liberties Hose Company of the county of Philadelphia, and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, hold and enjoy real and personal estate, of whatsoever kind or quality, and choses in action, and the same from time to time to sell, grant, alien or dispose of; *Provided,* That the clear yearly value or income of the real and personal estate of the said corporation, shall not exceed the sum of two thousand dollars, and also to have a common seal, and the same to break, alter and renew at pleasure, and also to ordain, establish and put in execution such by-laws and regulations as shall appear necessary and convenient for said corporation, not being contrary to this charter or to the constitution and laws of the United States of this commonwealth, and generally to do all and singular the matters and things which may be necessary for the well being of the said corporation and the due management and ordering of the affairs thereof.

Company incorporated.

Name and style.

Privilege &c.

Proviso.
Yearly income limited.
Seal.

By-laws.

Fundamental
articles.

SECTION 2. The following shall be the fundamental articles of the said company :

ARTICLE I.

Objects.

The objects of this company shall be the promotion of the public good, by the extinguishment of fires ; the aid and benefit of its members and families in time of sickness and death in such manner as shall be specified by the constitution and by-laws, and the promotion of temperance among firemen.

ARTICLE II.

SECTION 1. The officers of this company shall consist of

president, two vice presidents, a secretary and assistant secretary, a treasurer, solicitor, two physicians, and a janitor, who shall be elected annually, at such time and place as shall be prescribed by the constitution or by-laws.

SECTION 2. In addition to the above there shall be elected quarterly, on such days as shall be prescribed by the constitution or by-laws, three stewards and eight directors, together with such other officers as shall be necessary to the well-being and government of said company, and be required by the by-laws. Additional officers.

ARTICLE III.

All vacancies that shall occur in any elective office shall be filled by ballot at any succeeding meeting of the company after such vacancies shall occur. Vacancies.

ARTICLE IV.

No person shall become an active member of this company under the age of twenty-one years nor over fifty years of age: Who may be members. *Provided*, that this shall not apply to contributing members, who may be admitted under or over the ages above specified, upon the payment of such sum as the company may by their by-laws direct.

SECTION 3. That from and after the passage of this act the boundaries of the School District of the borough of Schellsburg, in Bedford county, shall be known and ascertained as follows, viz: Beginning at the Shawnee Cabin creek west of the house of Henry Snyder; thence south thirty-two degrees, east one hundred and seventy perches; thence north eighty-seven degrees, east thirty-two perches; thence north seventy-five degrees, east one hundred and forty-five perches; thence south seventy-two degrees, east forty perches; thence south sixty-six and one fourth degrees, east one hundred and ninety-five perches; thence south seventy-eight degrees east ninety-seven and one half perches; thence north eighty-seven and one half degrees, east ninety-seven perches; thence north sixty-four degrees, east eighty-eight perches; thence north twenty-six degrees, east three hundred and ninety perches; thence north ten degrees, east one hundred and sixty-four perches; thence north seventy-three and one-half degrees, west seven hundred and twenty-one perches; thence south forty-six degrees, west two hundred and thirty-two perches; thence south nineteen degrees, west three hundred and twenty-nine perches; thence south two and one-half degrees, west sixty-two perches to the place of beginning. Boundaries of Schellsburg school dist. extended.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-ninth day of May, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 220.]

A N A C T

To incorporate the Susquehanna Coal Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Lewis Dewart, Henry W. Snyder, John H. Purdy, Edward Gobin, and Charles G. Donnel, and their associates, successors and assigns, be and are hereby constituted a body corporate, by the name and style of the Susquehanna Coal Company, for the transaction of the usual business of companies engaged in the mining of coal, transporting to market and disposing of the same; and shall have all the rights, powers, and privileges of the Shamokin coal company, and be subject to all the liabilities, provisions and restrictions imposed upon the said company, by the act incorporating the same, entitled an act to incorporate the Quinn's Run rail road and coal company, and to incorporate the Shamokin coal and mining company, and for other purposes, passed the sixteenth day of April, one thousand eight hundred and thirty-six. And it may be lawful for the said Susquehanna coal company, to use and employ their moneys, lands and tenements, in making and manufacturing iron from iron ore into pig, bloom, or any other description of iron, by the use of mineral coal.

Corporators. **Capital how employed.**

WM. HOPKINS,

Speaker of the House of Representatives.

E. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The second day of June, eighteen hundred and forty.

DAVID R. PORTER.

[No. 221.]

A N A C T

To incorporate the society known by the name of the Methodist Episcopal Church, in the town of Danville, Columbia county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the society known by the name of the Methodist Episcopal Church in the town of Danville, in the county of Columbia, is hereby erected into one body politic and corporate, in deed and in law, by the name, style and title of the Methodist Episcopal Church of Danville, in the county of Columbia, and by the same name, shall have perpetual succession, and be able to sue and be sued in all courts of law and elsewhere, and shall be able and capable in law and equity, to take and hold lands and tenements, goods and chattles of whatsoever kind, nature and quality, real, personal or mixed, which are now, or hereafter shall become the property of the said congregation, by gift, grant, bargain, sale, conveyance, assurance, will, devise, bequest, or otherwise, by any person or persons capable of making the same, and the same to grant, bargain, sell, mortgage, dispose of; and the yearly value or income of the real and personal estate of said corporation, shall not at any time exceed two thousand dollars, nor shall more than one hundred and fifty acres of land, be at any time held or enjoyed by said association incorporated by this act, nor shall it be lawful for said corporation to appropriate any of its surplus funds to any other than charitable or religious purposes.

Church estab-
lished.
Name.
Liberties and
privileges.
Income and
property
limited.

SECTION 2. That the affairs of said corporation shall be managed and superintended by eight trustees, five of whom shall be a quorum to transact business, to be chosen from the members of said congregation, who shall choose by ballot from among their number, a president and secretary, and shall also choose a treasurer from among the members of the congregation who is not a trustee, and who shall, if required by the trustees of said corporation, give sufficient security for the trust reposed in him, and shall account to such trustees for all sums of money received by him or remaining in his hands at any time; and in case of the removal of the president or any of the trustees by death, resignation or otherwise, the vacancy or vacancies, shall be supplied by the board of trustees till the next

Trustees.
Quorum.

Trustees
names.

annual election, and the following named persons shall be trustees until others shall be elected in the manner hereinafter prescribed, viz: Lyman Sholes, William Hartman, Ellis Hughes, John Patton, Charles White, George B. Brown, Isaac Rank, and Edward Finey, to continue in office until the first Saturday in May, one thousand eight hundred and forty-one, on which day the members of said congregation shall elect eight trustees, to continue in office for one year, or until others shall be elected to fill their places, and the annual election of trustees shall be on the first Saturday in May, in each year: *Provided always*, That the same trustees or any of them may be re-elected.

Elections.

SECTION 3. That all elections to be held in pursuance of this act, shall be conducted by five members of the corporation, who shall be appointed inspectors at the same place where the trustees are to be elected as aforesaid, by the electors then assembled in such manner as may be agreed on by said electors, and the inspectors so chosen, shall appoint one or more persons as their clerk or clerks to perform such duties as the nature of the case may require, and any person not a member of the said corporation, contributing yearly a sum not less than two dollars to the support of the church, shall be entitled to vote at the election of said corporation, and shall be eligible as a trustee, and each election so had as aforesaid, shall be closed, and the number of votes for each person shall be ascertained, the inspectors of said election or a majority of them, shall thereupon make out under their respective hands, a return thereof with the names of the trustees elect, and shall deliver the said return to the secretary of the corporation, who shall within three days thereafter, give notice in writing to each of the trustees elect of their respective elections.

Who may
vote or be a
trustee.

Members.

SECTION 4. That any person who shall hereafter be a member of said congregation, shall be entitled to all the privileges and subject to the same regulations as other members, and every member shall be at liberty at any time to withdraw from said corporation.

Seal.

SECTION 5. That the said corporation shall have a right to make and use a common seal, with device and inscription as to them shall seem meet, and to alter and renew the same at pleasure.

By-laws.

SECTION 6 That the said trustees and their successors, shall have power to enact and enforce such by-laws and ordinances as may be proper and necessary for the regulation and transaction of the business of the said corporation, to establish and change the time and place of the annual election of trustees, from time to time as the same may be found convenient, or if said congregation neglect to elect on the day of the annual meeting, may appoint any subsequent time on which said election may be held: *Provided*, That public notice shall be given on

Proviso.

Lord's day immediately before or after divine service, or in such other manner as a majority of the trustees may direct, at least one week previous to the time and place of holding such elections: *And provided also*, That said by-laws and ordinances shall not be inconsistent with the constitution and laws of this State or of the United States, and that the same be approved of by a majority of the members of the congregation, qualified as aforesaid, to vote at any special meeting called by the trustees for that purpose on notice given as aforesaid, and the by-laws and ordinances of the said corporation, shall be fairly entered and registered by the secretary, which book and other records of the corporation shall be open to the inspection of any member of the corporation at all reasonable hours, on application to the secretary; and in case an election of trustees shall not be held at the time or times appointed, the corporation shall not thereby be dissolved: *And moreover*, The legislature reserves the right to repeal, alter or amend this act, or any part thereof, at any time hereafter. Repealing clause.

SECTION 7. That so much of the fifth section of "an act entitled an act to authorize the trustees created by the last will and testament of John Donaughey, deceased, to invest moneys belonging to said estate, and for other purposes," approved April eight, one thousand eight hundred and forty, as authorizes George Passmore, guardian of the minor children of Charles Bond, to convey certain real estate in the county of Washington, therein described, to John Worrel, be and the same is hereby repealed, so far as requires the conveyance to be made to the said Worrel, and that said guardian be authorized to make the same to the heirs of said Worrel, agreeably to the provisions of said section, to which this is a supplement. Guardian of minor children of Charles Bond to make deed to heirs of John Worrel deceased.

SECTION 8. That the principal and trustees of the Emaus Orphan House, situated in Dauphin county, may afford instruction in the said institution in the various branches of a liberal education to other children, than those who are to be maintained and educated at the expense of the institution: *Provided*, Their parents, guardians or friends or themselves, will pay for their tuition, and no part of the funds of the said institution be applied to this additional object. Emaus Orphan House may educate other children than those maintained by said institution.

SECTION 9. That the following words in the resolution approved the twenty-first day of April, eighteen hundred and forty, relating to a culvert in Thirteenth street, from Pine street to Christian street, and thence along Christian street to the river Delaware, to wit: "*in the act entitled a supplement to the act entitled an act, regulating the ascents and descents, and culverting and grading certain portion of the district of southwark, Moyamensing and Passyunk*," be and the same are hereby repealed, and the following words are enacted to supply their place in the said resolution, to wit: "*in the second section of an act, entitled a supplement to an act entitled an act* Grading &c. of certain streets in Southwark, Passyunk and Moyamensing repealed.

Enacted to supply repeal above Lock Navigation between Delaware and Schuylkill. *to enable the Governor of this Commonwealth, to incorporate a company for opening a Canal and Lock Navigation, between the rivers Delaware and Schuylkill, through the southern section of Philadelphia county, passed the thirtieth of March, one thousand eight hundred and twenty-nine, extending the time for completing said canal, and for other purposes."*

Repeal.

SECTION 10. That the resolution approved the twenty-first day of April, one thousand eight hundred and forty, commencing with these words, "*resolved that it shall be the duty of the commissioners named in the bill to which this is a supplement,*" be and the same is hereby repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The second day of June, A. D., one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 222.]

AN ACT

To incorporate "The Pine Creek Coal Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That George D. B. Keim, Benneville*
 Incorporated. *Keim, and their associates, successors, and assigns, be and*
 Name & style. *they are hereby constituted a body corporate and politic, by the name, style, and title of the "Pine Creek Coal Company,"*
for the purpose of mining coal, and for the transacting of the usual business of companies engaged in the mining, transporting to market, and selling of coal, and the other products of coal mines; and the said corporation, by the said name,
 Privileges and franchises. *is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter and renew at pleasure, to make rules and by-laws for the regulation and management of the said corporation, consistent with the laws of the United States, and*

of this commonwealth, and generally to do and execute, for the well being of said company, whatever shall lawfully pertain to such bodies politic: *Provided*, That nothing herein contained shall be considered as in any way giving to said company any banking privileges; but they shall be exclusively confined to the operations pertaining to the business aforesaid, according to the true intent and meaning of this act: *And provided also*, That each stockholder shall be liable in his individual capacity for the debts, and performance of all contracts entered into by the said company, to the amount of the balance unpaid by him on the stock of said company. Proviso.
2d Proviso.

SECTION 2. The said company shall have the right to hold, either by purchase or lease, not exceeding two thousand acres of land at any one time, the whole to be within the counties of Lycoming and Tioga, in the commonwealth of Pennsylvania, and the same, or any part thereof, to sell or otherwise dispose of, as the interest of the company may require. May hold
2,000 acres of
land.

SECTION 3. The capital stock of said company shall be and consist of three hundred thousand dollars, and shall be divided into six thousand shares of fifty dollars each; which capital stock shall only be employed in the holding and purchasing the lands aforesaid, with the improvements, if any thereon; and in constructing such other improvements, buildings, cars, boats, engines, and machinery, as may be necessary or useful for the mining, transportation, and sale of coal, and in the payment of such salaries, wages, and other expenditures, as shall be requisite for the purposes aforesaid of the company; and said stock shall be assignable and transferable, according to such rules as the board of directors shall establish. Capital stock
\$300,000.
How to be
employed.

SECTION 4. When the above named George D. B. Keim, Benneville Keim, and their associates, shall have subscribed the whole number of shares aforesaid, and actually paid and expended not less than one-fourth of the capital aforesaid in purchasing lands; and in such of the investments as are authorized by this act for the use of said company, the Governor, on due proof thereof, shall, by letters patent under his hand and the seal of the State, create and erect the said George D. B. Keim, Benneville Keim, and their associates, successors, and assigns, into one body corporate, by the name, style, and title of the "Pine Creek Coal Company." Letters patent.

SECTION 5. The affairs of the said company shall be managed by seven directors, to be chosen annually from the stockholders. The first election shall be held in the borough of Williamsport, county of Lycoming, within thirty days after letters patent aforesaid shall have issued, of which election public notice shall be given by four or more of the corporations named in the first section of this act, at least two weeks prior thereto, in two or more newspapers printed in the county Directors election of.
Notice.

of Lycoming; and the subsequent elections shall be held annually, at such convenient time and place as the directors shall determine, of which thirty days previous notice shall, in like manner, be given by the president of said company, or by any five of the directors: *Provided*, That in the event of a failure to hold such election, the former directors may continue in office for a period not exceeding six months, or until such election shall be held.

Proviso.
In case of failure.

Election
by ballot.

Ratio of votes.

SECTION 6. The election for directors shall be held by ballot, and each stockholder shall be entitled to vote according to the number of shares held by said stockholder, in the proportion following: that is to say, for each share, and not exceeding four shares, one vote; for every two shares above four, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every ten shares above thirty, and not exceeding one hundred, one vote; for every twenty shares above one hundred, one vote; or in such proportions as may hereafter be prescribed by any act of assembly. No share shall confer a right of voting which shall not have been transferred at least three calendar months prior to the day of election, nor unless it be bona fide held or owned by the person in whose name it appears, in his own right, or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right or for the use and benefit of some co-partnership, society, or corporation, of which he or she may be a member.

Directors to
choose president.

Agents.

Quorum.

SECTION 7. The directors shall, as soon as convenient after their election, choose one of their number as president, to serve for one year; they shall also have power to appoint, as occasion may require, all other officers and agents of the company, and to supply vacancies in the board arising from death, resignation, or otherwise, until the next annual election. At all meetings of the board, four directors shall form a quorum to transact business.

Instalments.

Penalty for
neglect of payment.

SECTION 8. The directors may, from time to time, call in, on thirty days notice thereof in at least two newspapers printed in the county of Lycoming, such instalments on the stock of said company as they may judge necessary, not exceeding twenty per cent. thereof, at any one time and place appointed; and if any instalment on the stock so called in, shall remain unpaid for the space of thirty days after the time so appointed, every such stockholder, or his or her assignee shall, in addition to the instalment so call for, pay at the rate of two per cent. per month for the delay of such payment; and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part, and on account of such shares, the same shall be forfeited to the said company, and

may be sold to any person or persons willing to purchase for such prices as can be obtained for the same, or in default of payment by any stockholder of any such instalment, as aforesaid, the president and directors may, at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*,^{Proviso.} That no stockholder, whether an original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

SECTION 9. Dividends of so much of the profits of the company as shall appear to the directors advisable, shall be declared twice a year, and paid to the stockholders or their legal representatives on demand, at any time after the expiration of ten days after having been declared, but said dividends shall in no case exceed the amount of the nett profits actually acquired by the company, so that the capital stock shall never thereby be impaired; and if any dividend shall be declared which shall impair the capital stock of the said company, the directors consenting thereto, shall be liable in their individual capacities to said company for the amount of the stock so divided, and each director present when such dividend shall be declared shall be adjudged consenting thereto, unless he shall forthwith give public notice to the stockholders of the declaring of such dividend: *Provided*,^{Proviso.} That whenever the dividends shall exceed six per cent per annum, the said company shall pay a tax of eight per cent on all such dividends into the treasury of the state for the purposes of education; and the president of said company shall annually, in the month of January, transmit to the legislature, under oath or affirmation, a statement of the receipts and expenditures thereof, and of any dividends which may have been declared during the preceding year.^{Amount limited.}
^{Liability of directors.}
^{Tax.}
^{Annual statement to legislature.}

SECTION 10. The service of any legal process on any agent or manager of said company is hereby declared to be to all intents and purposes, as valid as the same would have been if served on the president.^{Mode of serving process.}

SECTION 11. That it shall be lawful for the legislature at any time to repeal, alter or amend any of the foregoing provisions, and to rescind the powers hereby granted.^{Right to repeal &c.}

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The third day of June, A. D., one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 223.]

A N A C T

For the incorporation of the Brighton Institute of Classical, Mathematical and Natural Science, at New Brighton, Beaver county, Pennsylvania.

Preamble.

WHEREAS the happiness, prosperity and power of every community depend under God on the right education of the youth, who must soon assume the responsibilities of the aged in the important offices of society : *And whereas*, the wants of the state and the business character of the nation call loudly for institutions of practical science, and as an institution, which shall teach the usual mathematical college course with practical applications in surveying, engineering, mensuration of heights and distances, which shall teach the practical application of experimental chemistry, philosophy and natural history to agriculture, domestic economy, the arts and manufactures is likely to promote the real welfare of the state, and especially the western part thereof, and as it is the evident duty and interest of all ranks of people to encourage as much as in them lies, every attempt to disseminate and promote the growth of useful knowledge : *And whereas*, Robert Dilworth, Enoch Marvin, John Clark, John Nesbit, John Dickey, Ovid Pinney, E. K. Chamberlain, Robert Townsend, and others have applied, and in writing made known to us, their desire to found an institution of practical science in the town of New Brighton : Therefore,

Institute erected.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That there be erected, and hereby is erected and established in the town of New Brighton, Beaver county, in this state, an institution for the instruction of youth in the learned languages, in mathematics with practical applications, chemistry and natural philosophy with lectures and experiments, natural history with specimens, and general literature, the style, name and title thereof to be Brighton Institute.

Trustees.

SECTION 2. That the first trustees of said institute shall consist of the following twenty-four persons, viz : Robert Dilworth, James Wright, Arthur Bradford, Benjamin C. Crichlon, William Morton, Edward Hoops, Brown B. Chamberlin, James Patterson, Lemuel G. Olmstead, Aaron Williams, Robert Townsend, Aaron B. Olmstead, Matthew F. Chaplin,

William H. Denny, John Dickey, of Beaver county ; Loring Lush of Mercer county, Stephen Barlow of Meadville, George A. Lyon of Erie, Harmar Denny, Francis Herron, and Walter Forward of Pittsburg, E. P. Swift, Robert C. Grier, of Allegheny, shall be and hereby are constituted a body corporate and politic, by the name of the Trustees of Brighton Incorporated. Name.

and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and suits whatever, Privileges and franchises.

and may have a common seal, with power to change or alter the same from time to time, and shall be capable of purchasing, taking possession of, holding and enjoying to them and their successors, any real estate in fee simple or otherwise, and any goods, chattels and personal estate, and of selling, Seal.

leasing or otherwise disposing of the said real and personal estate, or any part thereof at their will and pleasure : *Provided* Proviso.

however, That the funds of the said corporation shall be used for, and appropriated to the objects contemplated in the preamble of this act.

SECTION 3. There shall be a meeting of the said trustees held once at least in every year, at New Brighton, at such Annual meeting of trustees.

time and place as the president or a majority of the trustees shall appoint, at which time thirteen shall constitute a quorum, and if less than said number attend at such meeting, Quorum.

those present shall have power to adjourn to another day ; but if five or more of the said trustees, including the president, shall meet at the appointed time and place, or at any other time of adjournment, then such five or more of the trustees, including the president, shall be a board, and a majority of their votes shall be sufficient for transacting all the business and concerns of the institute.

SECTION 4. The faculty of said institute shall consist of a president, and as many professors and tutors as may be necessary to carry out the plan of the institution, to whom shall be entrusted the education and government of the students. Faculty.

SECTION 5. The president of the institute shall be a member of the board of trustees, and ex-officio its president, he shall have a casting vote when there is a tie, and in the faculty he shall have a veto on its resolutions, that is the decisions of a majority shall not prevail without his being one of it or consenting to it. President.

SECTION 6. No misnomer of the said corporation shall defeat or annul any gift, grant or devise, or bequest, to or for said corporation : *Provided*, The intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to or from said corporation. Misnomer. Proviso.

SECTION 7. That the said corporation shall not be entitled

Not to receive to receive the annual appropriation made to academies, under the fourth section of act, passed the twelfth of April, one thousand eight hundred and thirty, entitled a supplement to an act to consolidate and amend the several acts relative to a general system of education by common schools, passed the thirteenth day of June, one thousand eight hundred and thirty-six.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The third day of June, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 224.]

A N A C T

To extend the charter of the Philadelphia Ice Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act entitled “an act to incorporate the Philadelphia Ice Company, and for other purposes,” passed the fourth day of April, eighteen hundred and thirty-seven, so far as the same relates to the Philadelphia Ice Company, shall continue and be in force for the term of ten years from the fourth day of April, one thousand eight hundred and forty-two.

Charter of
Philadelphia
Ice company
extended.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The third day of June, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 225.]

A FURTHER SUPPLEMENT

To the acts concerning Writs of Partation.

SECTION I. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Writs of Partation may be sued by parties interested in real estate, and the same proceedings may be had as in other cases, notwithstanding there may be a limitation of an estate or interest in the premises or some part thereof, to a person or persons not in existence at the issuing of the writ; *Provided,* That the demandant has an indefeasible estate in fee simple in the purpart claimed by him, not subject to be diminished or defeated by a subsequent event, and that all existing persons interested be made parties; *And provided,* ^{Writs of partition how sued.} *also,* That for the protection and security of the interest of any unborn person or persons, the court shall have authority to make such order in regard to the purpart in which he may become interested, as equity and justice may require. And in all such cases the like proceedings may be had in regard to service of the writ, valuation, division into convenient purparts, and in all other respects, and with the same effect as if all persons to become interested in the premises were in existence, and were made parties to the said partition. ^{Proviso.} ^{2d Proviso.}

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The third day of June, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 226.]

A N A C T

To incorporate the Williamsport Bridge Company, in the county of Lycoming, and for other purposes.

*SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same: That Nicholas Funston, Thomas Updegraff, Funison Coryell, Thomas C. Parsons, Charles Allen, Charles Lloyd, Abraham Updegraff, James H. Huling, William J. Lyon, and Joseph S. Williams, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say, they shall on or before the first day of September next, procure one or more books and enter therein as follows: "We whose names are hereunto subscribed, promise to pay to the president, managers and company of the Williamsport bridge company, the sum of twenty-five dollars for each and every share of stock in said company set opposite to our respective names, in such manner and in such proportions and at such times and places as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly, to enable the governor to incorporate a company to make a toll bridge over the West Branch of the Susquehanna, at Williamsport, in Lycoming county; and shall thereupon give public notice in two public newspapers printed in the county of Lycoming, four weeks at least, of the times and places when and where the said books shall be opened to receive subscriptions for the stock of said company, at which times and places some one of the said commissioners shall attend, and shall permit and suffer all persons of lawful age, who shall offer to subscribe in said books, in their own names or in the name or names of any other person, if they be authorized so to do, for any number of shares in the said stock, and the said books may be kept open until the said books shall have two thousand shares of stock subscribed therein: *Provided always*, That every person offering to subscribe in the said books in his own name, or in the name of any other person shall, before he shall be permitted to subscribe, pay to the attending commissioners the sum of one dollars for each and every share of stock to be subscribed, out of which shall be defrayed the expenses attending the taking*

Commissioners.

To procure books.

Form of subscription.

Notice.

Who may subscribe.

No. of shares.

Proviso.

such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

SECTION 2. That when ten or more persons shall have subscribed three hundred shares of said stock, the commissioners aforesaid or a majority of them, shall certify under their hands and seals the names of the subscribers and the number of shares subscribed by each to the governor, and thereupon it shall and may be lawful for the governor, by letters patent under his hand and seal of the state, to create and erect the subscribers into one body politic and corporate in deed and in law, by the name, style and title of "the Williamsport Bridge Company," and the said company shall have full power and authority to erect and construct a toll bridge across the West Branch of the river Susquehanna, at Williamsport, and by the said name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intentions of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do: *Provided*, That nothing contained in this act shall be construed to authorize the said corporation to issue notes in the nature of bank notes, or to endorse notes in their corporate capacity, or to make discounts, or to receive deposits after the manner of any bank or banks, and in case the said company shall at any time violate the provisions of this section all and every their chartered privileges shall cease and determine.

SECTION 3. That the said commissioners, or a majority of them, as soon as conveniently may be after the said letters patent shall be obtained, shall give notice in two newspapers in Lycoming county, of the time and place by them to be appointed, not less than ten days from the publication of the first notice, at which time and place the subscribers shall proceed to organize the said corporation, and shall elect by a majority of votes of the said subscribers, one president, twelve managers, one treasurer, and such other officers as they shall think necessary to conduct the affairs of the said company, until the third Monday of December then next ensuing, on which day, and annually thereafter on said day, the said com-

Letters patent

Name and style.

Privileges.

Proviso.

Organization of company.

Election of officers.

pany shall hold their elections for officers ; and the said company when so organized shall have power to make such by-laws, rules and regulations, not inconsistent with the constitution and laws of the United States or of the constitution and laws of this state, as shall be necessary for the well-ordering of the affairs of said company ; and to procure for said company a common seal, and the same to break, alter and renew as often as the said company shall think proper ; *Provided*, The said subscribers may vote by ballot, to be delivered in person or by proxy duly authorized ; but no person shall have more than ten votes in his own right at any election for officers, or determining any question which may arise at any meeting of the said company, whatever number of shares he or she may be entitled to, and that each person shall be entitled to one vote for every share by him or her held under that number.

By-laws.

Seal.

Proviso.

Ratio of votes.

SECTION 4. That it shall and may be lawful for said president and managers, seven of whom shall for all purposes be a quorum, to agree with and appoint such engineers, superintendents, artists, and other persons as they may think necessary to survey, locate and construct the said bridge, to collect the tolls hereinafter authorized, fix the compensation of their agents, and to do and transact all other acts, matters and things, as by the by-laws, orders and regulations of the said company shall be entrusted to them.

Duties of president and managers their power and authority.

Salaries and wages of artists, &c

SECTION 5. That the said president and managers shall keep fair and just accounts of all moneys laid out and expended by them in the construction of the said work, submit their books and accounts to a general meeting of the stockholders for examination and approval, at least once in every year ; and that when the said bridge is completed, the property thereof shall be vested in the said company, their successors and assignees forever, and it shall and may be lawful for the said company, their successors and assignees, to erect gates on said bridge, and demand and receive by their agents tolls from travellers and others passing said gates, agreeably to the following rates, to wit : For passing said bridge every carriage of whatever description having four wheels and used for the purpose of trade or agriculture, shall pay twelve and a half cents for each horse drawing the same ; every carriage having two wheels, and employed as aforesaid, shall pay twelve and a half cents for each horse drawing the same ; every carriage of whatever description used for the purpose of personal accommodation or pleasure, and having four wheels shall be taxed twenty-five cents ; every chair or other two wheeled pleasure carriage, shall pay twenty-five cents for each horse drawing the same ; for every sleigh or sled drawn by four horses, fifty cents shall be the toll ; for every sleigh or sled drawn by three horses, forty-four cents ; for every sleigh or sled drawn by two

To keep true accounts.

When gates may be erected and tolls received.

horses, thirty-seven and an half cents ; for every sleigh or sled drawn by one horse, twenty cents ; for every horse, mare or gelding with a rider, the toll shall be twelve and a half cents ; for every horse, mare or gelding without a rider, six and one-fourth cents ; for every score of sheep or swine, twenty-five cents ; for every head of horned or muley cattle, four cents ; and for every foot passenger, four cents. Oxen and mules drawing waggons, carriages, or other vehicles, to be rated the same as horses, and in no case shall it be lawful for any owner or driver of horses or cattle to lead or drive more than twenty head on the bridge at any one time ; *Provided*, That any person or persons attending funerals, or any elections, any military company, or detachment of this state, or of the United States, persons attending public worship on the Sabbath, and students or children attending any school or other seminary of learning, shall at all times be exempted from the payment of tolls for passing the said bridge. Proviso.

SECTION 6. That if any person or persons shall wilfully ride, drive or lead, or cause to be rode, drove, led or driven any horse or other creature faster than a walk, when crossing said bridge, he, she or they so offending, shall forfeit and pay a sum not less than five dollars for every such offence, to be recovered as fines of like amount are by law recoverable. Penalty for fast driving &c.

SECTION 7. That if any gate keeper for said company, their successors or assigns, shall demand and collect any greater rates or prices for passing over said bridge than what is hereinbefore authorized, he, she or they so offending, shall for every such offence forfeit and pay the sum of ten dollars for the use of the person aggrieved, to be recovered as fines of like amount are by law recoverable : *Provided*, That such suit or action be brought within twenty days after the commission of such offence. Penalty for demanding too much toll. Proviso.

SECTION 8. That if the said company shall not proceed in the construction of the said bridge, within five years after the passing of this act, or shall not within ten years thereafter complete the same, according to the true intent and meaning of this act, then and in either of these cases all and singular the rights, liberties and franchises, relating to the said bridge by this act granted, shall revert to the commonwealth ; that the said president, managers and company shall, at the end of every year after the said bridge shall have been completed, lay before the general assembly of this commonwealth an abstract of their accounts, showing the whole amount expended in the construction thereof, and of the income and profits arising from the tolls received during that period, together with an account of all incidental costs and charges, in order that the clear yearly income and profits of said bridge may be ascertained and known, and if it shall be made appear that the said clear income and profits thereof, will not bear a dividend Time of completion. Abstract of accounts to be submitted to the legislature.

Dividends. of six per centum, per annum on the whole costs and charges thereof, then in that case it shall and may be lawful for the said president, directors and company, to increase the tolls herein allowed so much as will raise the dividend to six per cent. per annum, on the amount expended, in constructing the aforesaid works, and at the end of every two years thereafter, they shall render to the general assembly a like abstract of the accounts of said works for the preceding two years, and if at the end of such period of two years, it shall appear that the clear profits and income of the said works will bear a dividend of more than eight per cent. per annum, then the said tolls shall be so reduced as will reduce the dividend to eight per centum per annum.

Appropriation to Big Bush-hill creek how to be expended in part. **SECTION 9.** That the commissioners appointed to expend the appropriation made to improve the navigation of the Big Bushkill creek, in Monroe and Pike counties, by an act approved on the eleventh day of October, A. D., 1839, be and they are hereby authorized to expend the sum of three hundred dollars, part of said appropriation, in constructing a bridge across said Big Bushkill creek, near the house of John Howey, and also the further sum of three hundred dollars, in repairing the road leading from the Easton and Milford road to Blooming Grove, to commence at the poplar bridge, and extending up said road.

Juliana Weaver, to change her name. **SECTION 10.** That Juliana Weaver, of the county of Adams, be authorized to change her name to Juliana Weaver Wortz, and she shall henceforth be called and known by the name of Juliana Weaver Wortz, and by the same name shall be able and capable in law to sue and be sued, grant and receive, and do all other legal acts and things as effectually to all intents and purposes as she could have done by the former name, if no change had been made therein; and the said Juliana, by the name of Juliana Weaver Wortz, shall have and enjoy all the rights, benefits and advantages of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely to all intents and purposes as if she had been born in lawful wedlock.

Legitimated.

SECTION 11. That any money arising from road or county taxes, assessed at any time during the year eighteen hundred and thirty-nine, within the limits of the county of Clinton, and paid or to be paid into the treasury or treasuries of the counties of Lycoming and Centre, shall be paid by the respective treasurer's thereof to the treasurer of the said county of Clinton, any thing contained in the seventh section of an act, entitled "an act erecting parts of Lycoming and Centre into a new county," passed the twenty-first day of June, eighteen hundred and thirty-nine, to the contrary notwithstanding.

SECTION 12. Whereas it hath been represented to the Se-

ate and House of Representatives of the Commonwealth of Preamble.
 Pennsylvania, that Benjamin H. Price, son of John and Jane
 Price, of Lower Merion township, in Montgomery county,
 deceased, was born before the marriage of his said parents :
 Therefore,

Be it further enacted, That all the estate and interest of
 the commonwealth, in any estate real or personal, or in the
 proceed of sale of any estate real or personal, of which said
 Benjamin was seized or possessed at the time of his death, in
 possession, remainder or reversion, shall be and the same is
 hereby vested in such person or persons, and for such estate
 and estates respectively, as would now be entitled to the same
 if the said Benjamin had been born of his said parents in law-
 ful wedlock : *Provided*, That nothing herein contained shall *Proviso*
 in any wise affect or impair any estate, rights, titles, interests,
 claims or demands therein or thereto, at law or in equity, of
 any other person or persons whomsoever.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The third day of June, A. D. one thousand
 eight hundred and forty.

DAVID R. PORTER.

[No. 227.]

A N A C T

To incorporate the Trustees and Stockholders of Clinton Academy, in
 the township of Pine Creek, in the county of Clinton.

SECTION 1. *Be it enacted by the Senate and House of
 Representatives of the Commonwealth of Pennsylvania, in
 General Assembly met, and it is hereby enacted by the* Incorporated.
authority of the same, That the association formed in the
 township of Pine Creek, in the county of Clinton, for the
 better encouragement of learning in its higher branches, and
 known by the name and the style of the trustees and stockholders
 of Clinton Academy, shall be, and are hereby erected and
 created into a body politic and corporate, under the name,

style, and title aforesaid, with perpetual succession; and they shall be capable to sue and be sued, plead and be impleaded, in any court of law, or elsewhere; and in law and equity, to take and hold, to them and their successors, for the use of said academy, lands, goods, chattels, and money of every kind whatsoever, by gift, grant, conveyance, devise, or bequest, from any person or persons capable of making the same; and the same, from time to time, to sell, convey, or dispose of for the use of said academy, and to erect such buildings as may be necessary, and generally to do all and singular the matters and things which shall be proper for them to do, for the well being of said academy, and the due management and ordering the affairs of the same.

Privileges and franchises. **Trustees.** SECTION 2. The sole management of the said institution shall be confided to six trustees, who, at their first meeting after each election, shall choose out of their number a president, a secretary, and a treasurer; which officers, or any two of them, shall be managers of the next annual election for trustees.

How chosen. SECTION 3. The trustees aforesaid, shall be chosen by ballot from among the stockholders, and each stockholder, for that purpose, shall have a vote equal to the number of shares he may have subscribed and paid into the hands of the treasurer.

Meeting of stockholders. **Election of trustees.** SECTION 4. Stockholders aforesaid shall meet at the academy on the last Saturday of June, eighteen hundred and forty, and elect six trustees in the manner and form indicated in articles two and three, who shall hold their office for one year, or until successors shall be chosen in their stead, and annually thereafter, on the last Saturday of May, in each year, for the election of trustees, as aforesaid; of which election, at least two weeks notice shall be given by written or printed advertisements, published in one or more newspapers, or put up in six of the most public places in the neighborhood of the stockholders, by order of the board then in office, and signed by the president and secretary.

Not to receive compensation SECTION 5. Neither the aforesaid trustees, nor their successors, shall, at any time, receive compensation for their services as such, but shall have power to fill vacancies that may occur in their board by death, resignation, or otherwise; which vacancies shall continue so filled until the next annual election.

Quorum. SECTION 6. The board of trustees thus elected or appointed, any four of whom may constitute a quorum, shall transact all business pertaining to the interests of the academy, and their acts shall be binding upon the stockholders, provided due notice had been given of the time and place of such meeting, to all the trustees then in office.

By-laws. SECTION 7. The said board of trustees shall have power to enact, from time to time such by-laws, not inconsistent with

the letter and spirit of this act, as may become necessary for the better management of the interests of the said academy, and they shall be binding on the stockholders, a record of which together with all the other transactions of the board, shall be made by the secretary in a book kept especially for that purpose, and which shall be open at all times to the inspection of any one of the stockholders who may choose to examine the same.

SECTION 8. The treasurer shall give good and sufficient security, if demanded, for the honest and faithful discharge of his duties as such, and shall receive and hold all moneys belonging to said institution, and pay the same only to the order of the board, signed by the president and secretary, or by a majority of the trustees, and shall keep fair accounts thereof, to be open at all proper hours for inspection by all persons who may have contributed to the funds of said institution, and said trustees and treasurer shall annually on the first Saturday of May in each year, under a penalty of fifty dollars, exhibit all their books, vouchers and accounts of every kind, before the auditor chosen from among and by the stockholders aforesaid, in the same manner and at the same time and place that, and at which the trustees are chosen, to be settled and adjusted, and any balance found due the institution shall be entered on record and recovered in the name of the said trustees of said Clinton Academy, in the same manner that other debts of like amount are by law recoverable, in any action brought by any person qualified to vote for trustees as aforesaid.

SECTION 9. Stock shall be divided into shares of ten dollars each, and shall be transferable, a record of which transfer shall be made by the secretary, on the book in which is kept a record of the other transactions of the stockholders. In the same book shall also be kept a record of the names of the stockholders, with the number of shares subscribed and paid by each set opposite thereto, and it shall be the duty of the president and secretary of the board of trustees, who shall also act as president and secretary at all meetings of the stockholders, to give certificates of stock in all cases where required.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The fifth day of June, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 228.]

A FURTHER SUPPLEMENT

To the act entitled "An act incorporating the Raush Creek Rail Road Company," passed April second, one thousand eight hundred and thirty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time for commencing the Raush Creek

Time of com-
mencement &
completion
extended.

rail road, named in the act of April first, Anno Domini, eighteen hundred and thirty-six, be and the same is hereby extended for the term of three years from the passage of this act, and the time for the completion thereof be and the same is hereby extended for five years from and after the first day of April, Anno Domini, eighteen hundred and forty, that David Krause, Henry K. Strong, John Snevely, George N. Eckert, John Barr, William Colt, Charles Frailey, William Donaldson, Peter Filbert, John Strimfler, Augustine Holmes, David Greenawalt, Thomas W. O'Neal, J. H. O'Neal, and Adams Forster, are hereby appointed additional commissioners who shall possess like power and be subject to the same restrictions as those appointed by the original act.

Additional
commission-
ers.

SECTION 2. It shall be lawful also for the stockholders of said rail road company, at any meeting summoned by a majority of the managers thereof, to authorize the president and managers to increase the capital stock of said company to any amount not exceeding fifty thousand dollars, whereupon the said president and managers may increase the said capital stock accordingly, and sell and dispose of the new stock at their discretion, and issue certificates therefor in the usual form; and it shall be lawful also for the president and managers of the said company, from time to time, and at all times to borrow such sums of money, and on such terms as they may deem expedient, for the use of said company, and to issue certificates of loan therefor, and to pledge and mortgage all or any part of the estates, tolls, rail road improvements, privileges, effects and assets whatsoever, of the said company for the re-payment of said sums of money, so borrowed, at such times as

Increase capi-
tal stock limi-
ted.

To borrow
money.

may be agreed on, and for the punctual payment of interest for the same.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The fifth day of June, A. D. one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 229.]

A N A C T

To incorporate the Saint Patrick's Beneficial Society of Port Carbon, in the county of Schuylkill, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority* Corporations. *of the same,* That Edward Colahan, Hugh Kinsley, Thomas Doget, Patrick Scanlan, Thomas Quin, James Nevin, and Society estab-
their successors, and all such other persons being citizens of lished.
the commonwealth of Pennsylvania, as shall hereafter be admitted or become members of the association, are hereby incorporated and made a body politic, in law and in deed, by the name, style and title of the "St. Patrick's Beneficial Society of Port Carbon," in the county of Schuylkill, and by the same name they and their successors, shall for ever here- Name.
after be able and capable in law to have, hold, receive and enjoy lands, tenements, rents, franchises, gifts and bequests, of what nature soever, in fee simple or for term of life, years Liberties and
and otherwise, and also to give, grant, let, sell, alien or as- franchises.
sign the same, according to the nature of the respective gifts, grants or bequests, made to them the said society, and of their estates therein, to be employed and disposed of according to the objects, articles and conditions hereafter to be adopted by the society hereby incorporated: *Provided,* That the amount of the clear yearly value or income of such real estate,

Income. and the interest of money by them lent, do not exceed the sum of fifteen hundred dollars.

Liberties and privileges. SECTION 2. That the said society shall be forever hereafter, able and capable in law to sue and be sued, plead and be impleaded in all law causes and things, and to obtain and sustain all legal judgments, executions and decrees incidental to the same, and enjoy all such privileges, rights, powers and franchises, as other corporations of the like kind in this commonwealth enjoy.

Seal. SECTION 3. That the said society shall have power to use a common seal, and the same to change, alter or amend at pleasure.

Officers. SECTION 4. That for the well governing of the said society, and ordering and managing their affairs, they shall choose from among themselves, in such manner as shall be determined upon in their fundamental articles and regulations, a president, vice president, treasurer, secretary, and such other officers and committees as they may deem necessary or useful, and shall have power and authority to order stated and special meetings of the said society, to do and transact all business and matters appertaining thereto, agreeably to such rules, regulations and by laws as a majority of the society shall judge necessary or convenient, and shall from time to time establish and make, and put into execution such by-laws, rules and regulations, as may be passed from time to time by the society aforesaid, or the same to revoke, annul, alter or amend at pleasure : *Provided*, That the said rules, regulations and by-laws relate only to the charitable purposes before mentioned, and be not repugnant to the constitution and laws of the United States or of the commonwealth of Pennsylvania, nor repugnant to any of the provisions of this act: *Provided*, That it shall be lawful for the legislature at any time to amend or repeal any of the foregoing provisions, and to rescind the powers hereby granted.

Meetings.

By-laws.

Proviso.

Repealing clause.

Schuylkill co. a separate school district formed from Lower Mahantongo tps SECTION 5. That from and after the passage of this act, the qualified citizens of Lower Mahantongo township, Schuylkill county, residing within the following limits, to wit: beginning at the Barry township line, on the north side of the Broad mountain, in said township; thence along the said mountain, so as to include the house of John Kunselman; thence across the said township of Lower Mahantongo, in a line so as to include the house of Joseph Snyder; thence along the said township line, so as to include the house of Daniel Fidler; thence along the south side of the Little mountain, so as to include the house of John Gehrus; thence along the said mountain to a point, in a direct line to the Barry township line aforesaid, shall form a separate school district, subject to the same provisions and restrictions contained in the act, entitled "an act to establish a general system of education by

common schools," passed April first, one thousand eight hundred and thirty-four, and its supplements. The first election of school directors to be held at the house of Peter Stutzman, in said township, under the directions of Peter Stutzman, Jr., Peter Bressler, and Peter Dinger, who are hereby required, or a majority of them, to give public notice of the time and place of the holding such election, at least ten days prior thereto. Elections how and by whom held.

WM. HOPKINS,
Speaker of the House of Representatives.

E. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The fifth day of June, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 230.]

AN ACT

To incorporate the Williamsport Mutual Insurance Company, in the county of Lycoming.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Jacob Grafius, Robert Faries, William Wilson, Esq. Joseph B. Anthony, Abraham Updegraff, James Armstrong, Francis C. Campbell, Samuel H. Lloyd, Ellis Lewis, John Cummings, Asher Davidson, Thomas W. Lloyd, John Bennett, Jr. Hepburn M'Clure, Henry D. Ellis, and also all other persons who may hereafter associate with them in the manner herein prescribed, shall be a corporation by the name of the Mutual Insurance Company, for the purpose of insuring their respective dwelling houses, stores, shops, barns and all other buildings, farming stock and household furniture, merchandise, and all other property against loss or damage by fire. Name.
Object.

SECTION 2. All persons who shall hereafter insure with the said corporation, and also their heirs and executors, administrators and assigns, continuing to be insured with said corporation as hereinafter provided, shall thereby become members. Members.

thereof during the period they shall remain insured by said company and no longer.

DIRECTORS. SECTION 3. The affairs of the said company shall be managed by a board of directors, consisting of nine members, chosen or appointed as hereafter provided; all vacancies happening in said board by resignation, refusal to serve or otherwise, shall be filled by the remaining directors for the remainder of the year, for which they were elected, or until a new election, and a majority of the whole shall constitute a quorum for the transaction of business. The first nine persons named in the first section of this act shall be the first directors, and the business of the said corporation shall be done and transacted at such place, in the town of Williamsport, in the county of Lycoming, as shall be designated by a majority of the directors present, at any regular meeting of the board, and said board shall continue in office for one year after the passage of this act and until others are chosen in their place, which board of directors shall thereafter be elected yearly at such time and place, in the said town of Williamsport, as the corporation in their by-laws shall appoint, of which election public notice shall be given in at least one of the public newspapers printed in said county, at least thirty days immediately preceding such election, which said election shall be holden under the inspection of three members not being directors, to be appointed by the directors previous to every election, and such election shall be made by ballot and by a plurality of the members then present, allowing to each member one vote for everyone hundred dollars insured for him with said corporation.

VACANCIES.

QUORUM.

BUSINESS WHERE TRANSACTED.

ANNUAL ELECTION.

SECTION 4. The directors shall determine as nearly as practicable by their by-laws, the rates of insurance on the different classes of property, and the sum to be insured as also the sum to be deposited.

RATES OF INSURANCE. SECTION 5. Every person who shall become a member of said corporation, by effecting insurance therein, shall, before he receive his policy, deposit his promissory note for such sum of money as shall be determined by the directors, together with such sum in money as the directors may deem to be requisite for defraying the necessary expenses of the corporation, not exceeding ten per centum yearly, or otherwise on the sum insured, and such promissory note shall be payable in part, or the whole at any time when the same shall be deemed to be requisite by the directors for the payment of losses by fire; and at the expiration of the time of insurance, or the withdrawal from said corporation, on thirty days notice being given in writing of an intention to withdraw, the said note shall be relinquished and given up to the maker thereof.

POLICY.

LIEN. SECTION 6. And the said company shall have a lien in the nature of a judgment, waiving the right of inquisition upon all the said property of the insured to the amount of the de-

posite note or so much thereof as may be unpaid, which lien shall continue until the amount of such note with interest and costs of execution, if any shall have accrued, according to the provisions of this act; *Provided*, Said company shall file in the office of the prothonotary of the proper county a memorandum of the name of the person or persons insured, a description of the property, the amount of the deposit, note unpaid, and the term for which the insurance shall continue; and the prothonotary with whom the same shall be filed is hereby required forthwith to enter the same at large upon his judgment docket, and the same, when so entered, shall be deemed and taken to be in all respects as a judgment entered upon confession by virtue of a warrant of attorney, and execution may at any time be had thereof for so much as by virtue of the provisions of this act may be due and demandable, but the liens thereof shall commence with the filing of the memorandum in the office of the prothonotary; *Provided* further, That such lien shall not be construed to take from such person insured, as aforesaid, the privileges of freeholder.

Proviso.

Duties of Prothonotary.

Execution.

Proviso.

SECTION 7. When property insured by this corporation shall be alienated by sale, or otherwise, the policy therefor shall become null and void, and shall be surrendered to the directors of said company to be cancelled, and upon such surrender the assured shall be entitled to receive his deposit notes, with an order signed by the president and secretary of the board of managers, directing the prothonotary in whose office a memorandum of said notes may have been entered, as hereinbefore provided, to enter satisfaction thereon; *Provided*, That the assured shall first pay his proportion of the balance of losses and expenses, if any, which have accrued prior to such surrender, but the grantee or alienee having the policy assigned to him may have the same ratified and confirmed to him for his own proper use and benefit, upon application to the directors and with their consent within, thirty days next after such alienations, or giving proper security to the satisfaction of said directors for such portion of the deposit or premium note as shall remain unpaid, and by such ratification and confirmation, the party so causing such security to be given, shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party was liable and subjected to under this act.

Sale of insured property policy void.

Proviso.

Assigned policy how ratified.

SECTION 8. Suits at law may be maintained by said corporation against any of its members for the collection of said deposit notes, or for any cause relating to the business of said corporation, or against any person for moneys due said corporation, or for injury done to their corporate property, books or papers, or for causing the destruction by fire of any property by them insured, and for no other cause; but said corporation shall not hold any property exceeding in value ten

Law suits.

Property limit thousand dollars, for the transaction of their corporate business ; and all real estate purchased by them for the purpose of collecting or securing debts shall escheat to this common-

Escheat.

wealth, unless the same shall have been sold and disposed of, and passed bona fide from the possession and ownership of said corporation, within five years next succeeding such purchase ; also suits at law may be maintained against said corporation by any member thereof for losses or damage by fire, if payment is withheld more than three months after the company are duly notified of such loss or damage, and no member, not being in his individual capacity interested, shall be incompetent as a witness in any such cause as the aforesaid, on account of his being a member of said corporation.

Witness.

Losses how ascertained and paid.

SECTION 9. The directors shall, after receiving notice of any loss or damage by fire sustained on property insured by said corporation, after ascertaining the same, or after the rendition of any judgment as aforesaid, against said company for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss, and publish the same as may see fit, or in such manner as their by-laws shall have prescribed, and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice, and if any member shall, for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed on him as his proportion of the loss aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes with costs of suits, or may have execution of the whole amount as provided for in the sixth section of this act, and the amount thus collected shall remain in the treasury of said corporation, subject to the payment of such delinquent's proportion of prior or future losses and expenses, and the balance, if any remain, shall be returned to the party from whom it was collected on demand, after thirty days from the expiration of the term for which insurance was made.

Sufferers how paid when available funds are insufficient.

SECTION 10. If the available funds on hand, and the amount of deposit notes should be insufficient to pay the loss occasioned by any fire or fires, in such case, the sufferers insured by said company shall receive, towards making good their respective losses, a proportionate dividend of the whole amount of said deposit, according to the sums due to them respectively insured, and in addition thereto, a sum to be assessed on all the members of said company, on the same principles as regulated the amounts of their respective deposit notes, but not exceeding one dollar on every one hundred dollars to them respectively insured ; and no member shall be required to pay for any loss occasioned by fire, at any one time, more

than one dollar on every one hundred dollars insured in said company in addition to his deposit note, nor more than that amount for any such loss, after his said note shall have been paid in and expended, but any member, upon payment of the whole of his deposit note, and surrendering his policy before any subsequent expense or loss has occurred, may be discharged from said company.

SECTION 11. No policy shall be issued by the company, until application be made for insurance for twelve thousand dollars, nor shall any policy be granted or issued by said company, for a longer period than seven years. ^{When policy may issue.}

SECTION 12. This act shall take effect immediately after its passage, and continue in force twenty years, but the legislature of this Commonwealth may at any time alter, modify or annul its provisions. ^{Time limited. Repealing clause.}

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The ninth day of June, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 231.]

A N A C T

To incorporate the Stockholders of Mineral Spring, of Berks County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the persons who now constitute the owners and stockholders of the Mineral Spring property, near the borough of Reading, or who shall hereafter become stockholders of the same, shall be and are hereby declared to be a body politic and corporate in law, by the name, style, and title of "the Stockholders of the Mineral Spring of Berks County," with a capital of thirty thousand dollars, to be subscribed for in shares of fifty dollars each, to plead and be im- ^{Created.} ^{Name.} ^{Capital.}

M *

pleaded, and to be capable of taking, holding and enjoying, all that tract of land situate in Alsace township, Berks county, bounded by lands of John N. Lane, William Weimer and others, purchased by them of Catharine Kessler, and the buildings and improvements thereon erected, and to be erected, and also such other property as it may be necessary to purchase to effect the intended improvements, and to use a common seal, with power to alter and renew the same at pleasure.

Property. **Officers.** **By-laws.** **Proviso.** **Proviso.** **Managers.**

SECTION 2. That the officers of the said company shall consist of managers, who may elect a president, secretary, agent, or such officers as they may think proper, and make such rules, regulations, and by-laws, as they may deem necessary and proper: *Provided*, No rule, regulation, or by-law, shall be valid, if it be repugnant to, or inconsistent with the constitution and laws of the United States, or the constitution and laws of this commonwealth: *And provided*, That the president and managers of said company shall not be entitled to any compensation for their services.

Annual election. **Shares limited**

SECTION 3. That the present managers of the company shall be Daniel Herr, Joseph H. Spayd, Henry A. Muhlenberg, John Green, and Benneville Keim, who shall remain in office until the first day of May next, when, and on the first day of May of each succeeding year, the stockholders may elect, in such manner as by their by-laws shall be provided, five managers by ballot, each stockholder voting according to the number of shares he shall hold at the time of such election, agreeably to such scale as may be established for that purpose: *Provided*, That no stockholder in his own right, or by proxy, shall, at any time, be entitled to more than twenty votes; the said managers to hold their office for one year, and until successors be elected.

Subject limited **Proviso.**

SECTION 4. That it shall not be lawful for the company incorporated, to engage directly or indirectly in any other business or operations whatsoever, than such as shall be necessary for the management or sale of the real estate, which they are by this act authorized to hold, and for receiving the rents and income derived therefrom, nor to hold any other real estate than that mentioned in the first section of this act: *Provided always*, That the legislature reserve the power of altering, amending, or repealing this act at any time they think proper, and may deem it injurious to the public interest.

Debts how paid.

SECTION 5. That the said tract of land and buildings shall be subject to the payment of the debts contracted, or to be hereafter contracted by the said managers, for, or on account thereof; which debts shall be a lien upon said lands and buildings, when filed according to the provisions of the act of assembly, entitled "An act securing to mechanics, and others, payment for their labor and materials in erecting any

house, or other building within the city and county of Philadelphia,' passed the seventeenth day of March, Anno Domini, one thousand eight hundred and six, and the several supplements thereto;" and the said debts and lien may be recovered, as liens by the said act and supplements are recoverable.

SECTION 6. That C. G. Childs of Philadelphia, and Diller Luther, John Green and Henry High, be and they are appointed commissioners for receiving subscriptions to the stock of the aforesaid company, and shall open and keep a book for that purpose, at such time and place by them to be appointed, and the said books shall be kept open until fifty shares at fifty dollars per share are subscribed, after which the books shall be closed, and all persons of lawful age, being citizens of the United States, shall be permitted to subscribe to the said stock. The capital stock of the company, by this act incorporated, shall be held by the proprietors thereof, and be transferable by them or their assigns respectively, on the terms and in the manner hereinafter specified; that is to say; each and every subscriber shall within ten days after public notice given by the president and managers in two daily papers printed in Philadelphia, and in any weekly paper in the borough of Reading, pay or cause to be paid to the president and managers for the use of the said corporation the amount of the shares so subscribed, in such sum or sums, at such time or times as they the president and managers shall in their discretion direct and appoint; and if any subscriber, his or her assigns, or transferee, shall refuse or neglect to pay the first or any subsequent instalment called for and demanded by the president and managers, as aforesaid, such subscriber, his or her assignee, or transferee, shall forfeit each and every share on which the payment shall not be duly made on account of the share or shares so forfeited, and new subscriptions may be opened and received for the share or shares so forfeited, at the discretion of the stockholders of this corporation.

Commrs.

Subscriptions

Shares.

Transferable.

Shares how paid.

Penalty.

SECTION 7. That the powers hereby granted shall continue and be in force for the period of twenty years, and the legislature reserves the right to repeal this act, at any time it shall be found injurious to public justice and the interest of the community.

Repealing clause.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The ninth day of June, A. D., one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 232.]

AN ACT

To create additional revenue to be applied towards the payment of interest, and the extinguishment of the debts of the commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That from and after the first day of January next, until the year eighteen hundred and forty-six, inclusive, the capital stock paid in of all banks, institutions and companies whatsoever, incorporated by or in pursuance of any law of this commonwealth, on which a dividend or profit of one per cent. per annum is made or declared, shall in addition to any taxes, rates or levies now imposed by law, pay for the use of the commonwealth, a tax of one half mill on every dollar of the value thereof, and an additional half mill on every dollar of the value thereof, for every additional one per cent. per annum of dividend or profit, made or declared, on said capital stock; and the amount of said tax shall be retained and deducted by the cashiers, treasurers or other officer having charge of said banks, institutions or companies, from the dividends or profits made or declared as aforesaid, and shall account for and pay the same into the treasury of this commonwealth, at the same time, in the same manner, and subject to the same rights, penalties and liabilities now prescribed by existing laws in relation to taxes on bank dividends.

Tax on bank
stocks one
half mill.

Duties of
county com-
missioners.

SECTION 2. That the county commissioners of each and every county of this commonwealth, shall be and they are hereby authorized and required, annually, at the usual period of making county rates and levies, until the year eighteen hundred and forty-six, inclusive, to add to the county rates and levies for the use of the commonwealth, as follows, that is to say; upon all real and personal property, persons, trades, occupations and professions, now made taxable by the laws of this commonwealth, for the purpose of raising county rates and levies, one mill upon every dollar of the actual value thereof. And upon all personal estate and property hereinafter described, owned or possessed by any person whatever, that is to say; on all mortgages, moneys at interest, debts due from solvent debtors, whether by promissory note, (except notes or bills for goods sold and delivered and bank notes) penal or sin-

Annual tax
of one half
mill on cer-
tain personal
property.

gle bill, bond, judgment on all stock or shares owned or held by individuals in this commonwealth, in any bank, institution or company incorporated by any other state or territory, on all loans or investments on interest, to citizens of other states, or in the securities of other states, owned or held by individuals in this commonwealth, and on all public loans or stocks whatsoever, except those issued by this commonwealth, owned or held as aforesaid, one half mill on every dollar of the value thereof, on which one per cent. per annum dividend or profit may accrue to, or be received by the owner or holder thereof, and an additional half mill on every dollar of the value thereof, for every additional one per cent per annum of any interest, dividend or profit accruing to, or received by such owner or holder. Upon all household furniture, including gold and silver plate owned and kept for use by any person or persons, corporation or corporations, exceeding in value the sum of three hundred dollars, five mills upon every dollar of the value thereof on such excess. Upon pleasure carriages, owned and kept for use, one per cent. upon every dollar of the value thereof. Upon watches, owned and kept for use as follows, that is to say; on gold lever or other gold watches of equal value, each one dollar; Upon every other description of gold watches, and upon silver lever watches or other silver watches of like value, seventy-five cents each; upon every other description of watches of the value of twenty dollars or upwards, fifty cents each. Upon all salaries and emoluments of office, created or held by virtue of any law of this commonwealth, one per cent. Upon every dollar of the value thereof; which said rates and levies shall be assessed in the manner hereinafter prescribed, and collected as county rates and levies are now collected, and with like compensation to collectors, and paid into the county treasury for the use of the commonwealth.

An additional half mill on the value thereof in certain cases.

Household furniture exceeding in value of \$300, 5 mills on \$1.

Pleasure carriages 1 per cent.

Watches.

Salaries and emoluments of office.

SECTION 3. That the commissioners of each and every county shall issue their precepts to the ward, district or township assessors, directing them to ascertain the amount, description and value of the several objects of taxation mentioned in the preceding sections of this act, and make return thereof to the said commissioners, and the compensation to said assessors shall be the same daily allowance as is provided by existing laws for assessing county rates and levies, and be paid in like manner.

Commrs. precepts.

Assessors compensation

SECTION 4. That the assessors and assistant assessors of the city and county of Philadelphia, and the assessors of the other counties of this commonwealth, on the receipt of the precepts issued by the county commissioners, shall proceed to ascertain the amount, description and value of the several objects of taxation before mentioned, according to the best information within their power, to be inquired for and obtained by them, and shall make out a full statement thereof, and

Duties of assessors.

Appraise-

make return of the same to the county commissioners, and if in any case they shall fail to obtain a correct or special description, they shall return the aggregate value thereof as nearly as they can ascertain the same, and in all cases the estimates of the assessors where practicable shall be made, as they would appraise the same in payment of a just debt from a solvent debtor: *Provided*, That in estimating the value of any real estate, subject to the payment of any dower, ground rent or mortgage, the principal of said dower, ground rent or mortgage shall first be deduced, and the tax assessed on the remainder of the estimated value of the said real estate; and if any person whose personal property, trade, occupation, profession or office, made taxable as aforesaid shall, before the assessors have completed their assessment, make oath or affirmation that the value thereof does not exceed a certain sum or certain sums, to be specified in said oath or affirmation, then it shall be the duty of the assessors to value such personal property, trade, occupation, profession or office, at the sum or sums so specified, and no more.

Proviso.

Dower &c.
excepted.

Valuation.

Assessors to
give notice.

Oaths.

Commrs. du-
ties.

To transmit
statement to
Auditor Gen-
eral.

Duties of co.
treasurer to
furnish audi-
tor general
with state-
ment &c.

SECTION 5. That the assessors, after completing said assessments, shall give notice to such of the persons so assessed, in the manner required by existing laws in relation to county rates and levies; and the appeal and proceedings thereon shall be also regulated by said laws; and said assessors, in addition to the oath now required of them by law, shall be sworn or affirmed to perform the several duties enjoined upon them by this act, to the best of their ability and judgment, without favor or affection, hatred, malice, or ill-will.

SECTION 6. That it shall be the duty of the commissioners of each county to make out, and file with the treasurer of the county, a statement shewing the amount, description, and value of the real and personal property, trades, occupations, professions, and offices made taxable, as aforesaid, with the statement of the sum assessed, for the use of the commonwealth, with the apportionment of the same among the wards, districts, and townships; and also a similar statement shall be made out and certified under seal by the commissioners of the county, and transmitted to the Auditor General on or before the first Monday of September, in each and every year.

SECTION 7. That it shall be the duty of the treasurer of each county, between the first and tenth days of July and December, in each and every year, to furnish to the auditor general a statement of the amount received by him, for the use of the commonwealth, in pursuance of this act, and settle his account with the Auditor General, in the same manner as public accounts are now settled; and it shall also be the duty of the treasurer of each county, upon the settlement of his account, as aforesaid, to pay into the treasury of the commonwealth

the amount so received by him, for which he shall be allowed one per cent. upon the amount so paid.

SECTION 8. That the amount which shall be paid into the treasury of the commonwealth by virtue of this act, shall be vested in the commissioners of the internal improvement fund; and so much thereof as may be required for that purpose, shall be applied to the payment of interest, and the remainder to such debts or liabilities, chargeable upon said fund, as may be hereafter designated by law.

Money paid
into state
treasury how
vested.

SECTION 9. That the aforesaid county treasurers, previous to entering upon the duties enjoined upon them by this act, shall enter into bonds with sufficient security, conditioned for the faithful performance of their trusts to the commonwealth, under the provisions of this act, in the manner provided by existing laws in relation to bonds to be given by county treasurers, for the use of the commonwealth; and the regulations prescribed by said law, are hereby extended to all bonds to be taken under this act; and in case the bonds required, as above, are not transmitted within two months after the passage of this act, and thereafter, within one month after the appointment or election of any such county treasurer, it shall be the duty of the auditor general to give notice to the county commissioners, or other authority, appointing or electing said treasurer, who shall forthwith proceed to remove said officer so neglecting or refusing to give bond from his said office, and appoint or elect some other person in the place of him so removed.

County trea-
surer to give
bond.

Duty of audi-
tor general.

SECTION 10. That it shall be the duty of the secretary of the commonwealth to make out, and transmit to the commissioners of each county, a certified copy of this act, for which the usual fees shall be allowed, to be settled and paid in the usual manner.

Duty of sec-
retary of the
common'th.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The eleventh day of June, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 233.]

A N A C T

To incorporate the Victor Fire Engine Company, in Sheaffertown, Lebanon county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all and every the person or persons who

Incorporated.	shall, at the time of passing this act be members, shall be and they are hereby created and declared to be one body politic and corporate, by the name, style and title of the Victor Fire Engine Company, in Sheaffertown, Lebanon County, and by the same name have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of record or elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time to sell, grant, alien or dispose of: <i>Provided,</i> That the clear yearly value or income of the necessary houses, lands and tenements, rents, annuities or other hereditaments, and real estate of the said corporation, and the interest of the money by it lent, shall not exceed the sum of four hundred dollars; and also to make and have one common seal, and the same to break, alter and renew at pleasure; and also to ordain, establish, and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter, the constitution and laws of the United States or of this commonwealth, and generally to do all and singular matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering of the affairs thereof.
Name style and title.	
Privileges and franchises.	
Proviso. Yearly income limited.	
Seal.	
By-laws.	

Fundamental articles. **SECTION 2.** The following shall be the fundamental articles of said company.

ARTICLE I.

Name. The name and title of this company shall be the Victor Fire Engine company, of Sheaffertown.

ARTICLE II.

Object. The object of this company shall be the extinguishment of fires.

ARTICLE III.

The officers of the company shall consist of a president, Officers.
 vice president, treasurer, secretary, and such other officers as
 may be required for the use of said company, who shall be
 annually elected by ballot, on the first Saturday in January,
 in every year, and the duties of the aforesaid officers shall be
 enumerated in the by-laws: *Provided always,* That vacan- Proviso.
 cies occasioned by death, resignation, refusal to accept office
 or otherwise, may be supplied at the first meeting of the com-
 pany, after such vacancy.

ARTICLE IV.

Stated meetings shall be held on the first Saturday of Jan- Stated meet-
 uary, March, May, July, September and November, and spe- ings.
 cial meetings at such times as the president direct or occasion
 may require. Eleven members shall constitute a quorum, Quorum.
 and a majority of those convened shall govern, except in an
 alteration or adoption of by-laws, when the concurrence of
 two-thirds of the members present shall be required.

ARTICLE V.

Officers shall be elected by ballot, and the majority of the Ballot.
 votes cast shall govern.

ARTICLE VI.

Each member shall be liable to such fines and contributions
 as the by-laws may prescribe, and his resignation of member- Fines &c.
 ship shall not be accepted until his penalties, dues and fines
 are paid or remitted.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The eleventh day of June, one thousand eight
 hundred and forty.

DAVID R. PORTER.

[No. 234.]

A N A C T

To authorize the Governor to incorporate the Great Island Bridge company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That Washington Dunn, Hugh Penny, William Morrison, John Fleming, George Crawford, Robert M'Cormick, Randolph W. Evans, James Gamble, Joseph M. Green, and John Gallaher, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say; they shall on or before the first day of September next, procure one or more books and therein enter, as follows: We whose names are hereunto subscribed do promise to pay to the president, managers and company, for erecting a bridge or bridges over the West Branch of the river Susquehanna, where the public highway, leading from the town of New Liberty to Lock Haven, crosses said river through the Great Island, in the county of Clinton, the sum of twenty-five dollars for every share of stock in said company set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers, in pursuance of an act of the General Assembly, entitled "an act to authorize the Governor to incorporate the Great Island Bridge Company," and shall thereupon proceed to receive subscriptions for the stock of the said company, at such times and places as they shall think proper; *Provided always,* That every person so subscribing in his own name, or in the name of any other person, shall previously pay to the attending commissioners two dollars for every share so subscribed, out of which shall be paid the expense of taking such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, agreeably to the provisions of this act.

SECTION 2. When fifteen or more persons shall have subscribed four hundred shares of the said stock, the said commissioners shall certify under their hands and seals to the Governor of the commonwealth the names of the subscribers, and the number of shares subscribed, and thereupon it

Letters patent shall and may be lawful for the Governor by letters patent,

Commission-
ers.

To procure
books.

Form of sub-
scription.

reviso.

under his hand and the seal of the state, to create and erect the said subscribers, and also all those who may afterwards subscribe, into one body corporate and politic in deed and in law, by the name, style and title of "The Great Island Bridge Company," and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfil the intent of this act; and of taking, purchasing and holding to them and their successors in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose of at their pleasure, of suing and being sued, and of doing all and every other matter or thing, which a corporation or body politic may lawfully do.

Name & style.

Privileges.

Election of officers.

Proviso.

Annual meetings.

Certificates of stock.

SECTION 3. The first named ten persons in the letters patent shall, as soon as conveniently may be after sealing the same, give notice in any one newspaper of the county of Clinton, of a time and place to be by them appointed, not less than twenty days from the time of issuing the first notice; of which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers by ballot, either in person or by proxy, duly authorized, one president and six managers, and one treasurer, and such other officers as they may think necessary to conduct the business of said company for one year, and until other officers shall be chosen; and may make such by-laws, rules, and regulations, not inconsistent with the laws of this commonwealth, as shall be necessary for the well ordering the affairs of the said company: *Provided*, That each person shall be entitled to one vote for every share not exceeding ten, and two votes for every five shares above ten.

SECTION 4. The stockholders shall meet on the first Monday in January, in each succeeding year, at such place as shall be fixed by the rules and orders of the said company, to be made, as aforesaid, for the purpose of choosing such officers, as aforesaid, for the ensuing year.

SECTION 5. The president and managers first to be chosen, as aforesaid, shall procure printed certificates for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, to each subscriber, for the share or shares held by him, on paying to the treasurer the amount of each share so held, which certi-

cate shall be transferable at his pleasure, in person or by attorney, in the presence of the president or treasurer; and the assignee holding such certificate, having first caused the assignment to be entered on the books of the company, kept for that purpose, shall become a member of the corporation.

Transferable.

SECTION 6. The president and managers shall meet at such times and places, and be convened in such manner, as shall be agreed on for transacting their business; and at such meeting five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions entered in a book; and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists, and other officers, as they shall think necessary to carry on the said bridge, and to fix their salaries and other wages, to ascertain the times, manner, and proportions in which the stockholders shall pay the money due on their respective shares, in order to carry on their work, to draw orders on the treasurer for all moneys, to pay the salaries of persons by them employed, and for the materials provided and labor done, and which shall be signed by their president, and countersigned by their clerk, and to do and transact all other matters and things, as by the by-laws, orders, and regulations of the said company, shall be committed to them.

Duties of president & managers & their power and authority.

Salaries and wages of artists &c.

Orders to be drawn on treasurer.

Penalty for neglect to pay instalments.

SECTION 7. If any stockholder, after thirty days notice given in one newspaper of Clinton county, of the time and place of paying any instalment which may be called for, shall neglect to pay such instalment for the space of sixty days after, for the time so appointed, every such stockholder, or his assignee, shall, in addition to the instalment so called for, pay at the rate of two per cent. per month for every delay of such payment; and if the same, and additional penalties shall remain unpaid for such space of time that the accumulated penalties shall become equal to the sums before paid on account of such shares, as such stockholders may hold, the same shall be forfeited to the said company, and may be sold to any person or persons, and for such price as may be obtained therefor.

To keep true accounts of receipts.

SECTION 8. The president and managers of the said company, shall keep fair and just accounts of all moneys received by them from the said commissions, and from the subscribers to the said company, and of all penalties for delay in the payment of stock and of the amount of profits on shares that may be forfeited as aforesaid, and also all moneys by them

To be submitted annually to stockholders.

expended in the prosecution of said work, and shall at least once in every year, submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and until all the costs, charges and expenses for affecting the same shall be fully paid and discharged, and the aggregate amount

of all such expenses shall be liquidated and ascertained, and if upon such liquidation, or whenever the stock of said company shall be nearly expended, it shall be found that the said capital stock is not sufficient to complete the said bridge, according to the true intent and meaning of this act, it shall and may be lawful for the president and managers and company, at a stated or special meeting to be convened according to the provisions of this act or their own by-laws, to increase their number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in like manner and under like penalties as herein before provided for the original subscription.

Power to increase the number of shares.

SECTION 9. When a complete bridge is erected over both branches of the river Susquehanna, where the public road crosses the same through Great Island aforesaid, the property of said bridge shall be vested in the said company aforesaid, their successors and assigns forever; and the said company, their successors and assigns, may demand and receive tolls from travellers and others, agreeably to the following rates to wit: for every carriage of whatsoever description, used for the purpose of trade or agriculture, having four wheels and drawn by four horses, sixty cents; for every such carriage drawn by two horses, forty cents; for every carriage of whatever description, used for the purposes of personal accommodation or pleasure, having four wheels and drawn by four horses, eighty cents; for every such carriage drawn by two horses, fifty cents; for every dearborn wagon, and for every chair or other two-wheeled carriage of pleasure, drawn by one horse, twenty cents; for every sleigh or sled drawn by four horses, sixty cents; for every such sleigh or sled, drawn by two horses, forty cents; for every such sleigh or sled, drawn by one horse, twenty cents; every horse, with a rider, eight cents; every carriage drawn by oxen, or partly by horses and partly by oxen, to be rated in proportion of two oxen for one horse, and in all cases a mule shall be rated the same as a horse; for every horse without a rider, three cents; for every score of sheep or swine, eight cents; for every head of horned or muly cattle, one cent; and for every foot passenger three cents: *Provided*, That any person or persons attending funerals, going to or returning from divine worship on Sabbath day, all persons going to or returning from elections or military trainings, and students or children attending any school or seminary of learning, shall at all times be exempt from the payment of any toll.

When gates may be erected and tolls received.

Proviso.

SECTION 10. If the said company, their successors and assigns, or whoever may possess or own the said bridge, shall demand or receive any greater rates or prices for passing over the said bridge than is herein before prescribed and specified,

Penalty for demanding greater toll than due.

or shall neglect to keep the said bridge in good repair, he, she or they so offending, shall for every such offence forfeit and pay the sum of ten dollars, one moiety thereof for the poor of the townships of Dunstable and Bald Eagle, and the other moiety for the use of the person who may sue for the same : *Provided*, That no suit or action shall be brought, unless within thirty days after such offence shall have been committed.

Proviso.

SECTION 11. The president, managers and company, shall keep a just and true account of all money received by the several collectors of tolls for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof amongst all the stockholders, deducting therefrom all contingent costs and charges, and such proportions of the said income as may be deemed necessary for a growing fund, to provide against the decay and for rebuilding and repairing the said bridge, and shall, on the first Monday in April and October, in every year, publish the dividend to be made of the said clear profits thereof among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly. That the president and managers of the aforesaid company, shall annually, on the first Monday in December, transmit to the Auditor General a full statement of their affairs under oath, and shall pay annually into the state treasury of this commonwealth, a tax of eight per cent. on all dividends which may exceed six per cent. on the capital stock paid in.

To keep true accounts.

Dividends.

Annual statement to be transmitted to Auditor General.

Tax.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The eleventh day of June, A. D., one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 235.]

A N A C T

To incorporate the Town of Schuylkill Haven, in the county of Schuylkill, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same* : That the town of Schuylkill Haven, in

the county of Schuylkill, and territory included within the following boundaries, to wit: beginning at the state road leading to Harrisburg, at a point where the state road leading to Rohresburg intersects the same, thence North fifteen degrees, West two hundred and twenty-four perches, along Fitches land, to a Poplar; thence North seven degrees, East nearly seven perches, to a Walnut; thence North sixty-nine degrees, East fifty-six perches, along H. Enon's land; South seventy-nine degrees, East one hundred and ten perches, to Centre Turnpike; thence South fourteen degrees, East one hundred and sixty-one perches, along land belonging to the Schuylkill county Alms House, to widow Heyson's; thence South forty-two degrees, West eighteen perches; thence South forty-two degrees, West thirty-one perches, South forty-eight degrees East thirty-four perches; North forty-two degrees, East twenty-three perches; South twenty degrees, East twenty-six perches; South eighty degrees, West ten perches; South forty-two degrees, West ten perches; South forty-eight degrees, East eighteen perches, to the Reading rail road; thence South eighty-three degrees, West twenty-four perches; South forty-two degrees, West thirty-two perches; South forty-eight, East thirty-four perches; North forty-two degrees twenty-three perches; South twenty degrees, East twenty-six perches; South eighty degrees, West ten perches; South forty-two degrees, West ten perches; South forty-eight degrees eighteen perches; South eighty-three degrees, West twenty-four perches; South forty-two degrees, West fourteen perches; South forty-eight degrees, East eighteen perches; South eighty-three degrees, West twenty-four perches; South forty-two degrees, West fourteen perches; South forty-eight degrees, East forty perches; South sixty degrees, West twenty-four perches; North forty-eight degrees, West thirty-six perches; South forty-two degrees, West thirty-two perches; South forty-eight degrees, East twenty perches; South twenty-three, West seventy perches, to the Schuylkill; thence North eighty-seven degrees, West twenty perches; North fifty-six, West fourteen perches, along the Schuylkill; North forty-four, West sixty-eight, North twenty-eight, West thirty-two perches, the state road leading to Harrisburg, the place of beginning; are hereby erected into a borough, which shall be called and styled the borough of Schuylkill Haven.

Election of borough officers.

SECTION 2. That the inhabitants of said borough, entitled to vote for members of the General Assembly, having resided therein one month immediately preceeding the election, shall on the second Tuesday of July, next, and annually thereafter, on the same day, meet at the house of Philip Boyer, and on the second Tuesday of June next, thereafter, then and there, elect by ballot, between the hours of twelve and six o'clock of the same day, one reputable citizen residing therein, who shall be styled the burgess of said borough, and five citizens

residing therein, who shall be a town council, one person for high constable, and one for constable, one supervisor, one assessor, and two assistants; but previously to such election, the inhabitants shall elect two reputable citizens as judges, one as inspector, and two as clerks, of the said election, which shall be regulated and conducted according to the general election laws of this commonwealth, so far as relates to receiving and counting of votes, and who shall be subject to the same penalties for malpractices, as by the said law is imposed; and the said judges, inspectors, and clerks, before they enter upon the duties of their offices, shall each take an oath or affirmation, before any justice of the peace of said county, to perform the same with fidelity: and after the greatest number of votes to be duly elected, and in case any two candidates shall have an equal number of votes, the preference shall be determined by lot, to be drawn by the judges and inspectors; whereupon, duplicate returns thereof, shall be signed by the said judges, one of which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation; and in case of death, resignation, removal, or refusal to act, after acceptance of any of the said offices, the burgess, or in case of his death, absence, or inability to act, or when he neglects or refuses to act, the first named of the town council shall issue his precept, directed to the high constable, or when there is no high constable, or where he refuses or neglects to act, then any of the members of the town council, shall advertise and hold an election in the manner aforesaid, to supply such vacancy, giving at least ten days notice thereof, by advertisements set up at four of the most public places in the said borough.

Vacancies;
how filled.

Burgess on re-
fusing to act
to forfeit \$10-

Other officers
refusing to act
to forfeit \$10-
each.

Proviso.

SECTION 3. That if any person, an inhabitant of said borough, and duly qualified, to elect as aforesaid, shall be elected to the office of burgess, and having notice of his election, shall refuse to undertake and execute that office, every person so refusing, shall forfeit and pay a fine of ten dollars, and if any other person duly qualified as aforesaid, shall be duly elected to any other office in the said borough, enacted by this act, and having notice of his election, shall refuse to undertake and execute the duties of that office, every person so refusing, shall forfeit and pay a fine of ten dollars, which fines, forfeitures and all others, in pursuance of this act, or of the by-laws of the said council, shall be recoverable before any justice of the peace of said county, for the use of said corporation: *Provided*, That no person shall be compelled to serve more than one year in any term of four years, and that if any person or persons, shall conceive himself or themselves, aggrieved by the judgment of any justice of the peace, by virtue of this act, he or they may appeal to the next county court of common pleas, upon giving security according to law, to prosecute his or their appeal to effect,

who shall on the petition of the party, take such order therein, as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

SECTION 4. That the burgess, shall take and subscribe an oath or affirmation, before one of the associate judges, or a justice of the peace, for the county of Schuylkill, to support the Constitution of the United States, and of this State; and an oath or affirmation, well and truly, to execute the office of burgess of the borough of Schuylkill Haven, and when so qualified, he shall administer an oath or affirmation to the council, high constable, and town clerk, in manner and form aforesaid, before they shall enter on the duties of their respective offices, the certificate of which oaths or affirmations, shall be filed among the records of the said corporation.

Oath of burgess, town council and clerk.

SECTION 5. That the town council so chosen, or a majority of them, shall have full power and authority to make and enact such ordinances, rules and regulations as may be necessary for improving and keeping in order the streets, alleys, public squares and common grounds belonging to said town within the said borough, and removing nuisances or obstructions therefrom, and the same to annul, alter or make anew, as occasion may require; and also to assess, levy and collect a tax for said purposes, and also, annually, to appoint a town clerk, treasurer, and such other officers as may be deemed necessary, and shall have all other power necessary for the well-ordering and better government of the said borough; *Provided*, That the said ordinances, rules or regulations shall not be repugnant to the constitution and laws of the United States or of this commonwealth; *And provided, also*, That no tax shall be laid by them in any one year to exceed one half of a cent in the dollar on the valuation of taxable property taken from the last assessment, unless some object of general utility thought necessary, in which case a majority of the taxable inhabitants of said borough by writing under their hands shall approve and certify the same to the town council, who shall proceed to assess the same accordingly; and all taxes which may be assessed or laid within the said borough shall as nearly as the same is practicable be assessed and collected conformably to the laws for raising county rates and levies; *Provided*, That from and after the present year the citizens of the borough, aforesaid, shall be exempted from the assessment and payment of road taxes to the township of Manheim.

Power of the town council.

Taxes.

Proviso.

2d Proviso.

SECTION 6. That it shall be the duty of the town clerk to attend all meetings of the town council when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation and be answerable for the same; and also for the faithful discharge of all the duties which may be enjoined upon him by virtue of this act, or of the acts of the

Duty of town clerk.

- Seal. corporation, and his attestation with the seal of the corporation shall be good evidence of the thing or act so certified.
- Treasurer to give security. SECTION 7. That the treasurer shall give security for the faithful discharge of the duties of his office, and for the safe delivery into the hands of his successor of all moneys, books and accounts appertaining thereto, upon demand being made by the burgess and a majority of the council for the purpose.
- Accounts to be published annually. SECTION 8. That the street commissioners, treasurer, constable, and clerk of the market, as well as all other officers who may be appointed by the corporation or council, shall render their accounts to the council once in every year for settlement, and the said accounts being adjusted and settled accordingly, shall be forthwith published by the said council, showing particularly the amount of taxes laid and collected, and of the expenditures on behalf of said borough.
- Notice of elections. SECTION 9. That it shall be the duty of the high constable to give notice of the elections, by setting up advertisements in four public places in the said borough, six days previously thereto, and shall attend and see that the same is opened at the time and in the manner directed by this act.
- Election of constables. SECTION 10. That it shall and may be lawful for all persons entitled by law to vote for burgess and other officers of the borough of Schuylkill Haven, at the same time and place where they vote for said officers, to elect two reputable citizens of the said borough, and return the names of the persons so elected to the next court of Quarter Sessions of the said county, one of whom shall be appointed constable of said borough, in the same manner with like power and authority, and subject to the same regulations and penalties as are provided and contained in the laws now existing, or that may be hereafter passed, concerning constables within this commonwealth; and all manner of process which may by law be directed to the constable of any township in the said county, may in the same manner be directed to the constable of the said borough, whose duty it shall be to execute the same according to law, and the constable so appointed shall do and perform all the duties required to be done by the high constable of said borough, in pursuance of this act, and by the by-laws and ordinances of said borough.
- Duties. SECTION 11. The borough aforesaid shall form a separate school district, subject to the same provisions and restrictions contained in the act, entitled "an act to establish a general system of education by common schools, passed April first, one thousand eight hundred and thirty-four, and its supplements." The first election for school directors to be held at the same time and place, and by the same persons who are required to hold the election for borough officers.
- To be a separate school district. SECTION 12. That from and after the second Tuesday of July next, the burgess and town council duly elected as afore-

said, and their successors, shall be one body politic and corporate in law, by the name and style of the Burgess and Council of Schuylkill Haven, and shall have perpetual succession. And the said burgess and council aforesaid, and their successors, shall be capable in law to receive, hold and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments to them and their successors, in fee simple or otherwise, and not exceeding the yearly value of ten thousand dollars; and also to give, grant, sell, let and assign the same lands, tenements, hereditaments, rents, and by the name and style aforesaid they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law in this commonwealth, in all manner of actions whatsoever, and to have and to use one common seal, and the same from time to time at their will to change and alter.

Names and
Rights and
privileges.

Seal.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The eleventh day of June, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 236.]

AN ACT

To incorporate the President and Managers of the Rimersburg and Mahoning Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That John Rimer, Daniel Stop, Oliver Gray, Robert D. Lawson, and John P. Brown, of the county of Armstrong, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say, they shall on or before the first day of September next, procure two books, and in each of them enter as*

Commrs.

To procure
books.
Form of sub-
scription.

follows : we whose names are hereunto subscribed, do promise to pay the president and managers of the Rimersburg and Mahoning turnpike road company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled an act to incorporate the president and managers of the Rimersburg and Mahoning turnpike road company. Witness our hands the

Notice.

day of
in the year of our Lord one thousand eight hundred and forty.

Who may
subscribe.

And thereupon shall give notice in two or more public papers, printed in the county of Armstrong, for twenty days at least, of the time and places when and where the said books shall be opened to receive subscriptions for the stock of the said company, at which times and places one of the said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in said books in their own names, or in the name or names of any other persons who shall duly authorize the same, for any number of shares of stock, and the said books shall be kept open respectively, for the purposes aforesaid, at least six hours in every juridical day, for the space of six days, or until the said books shall have fifty shares therein subscribed. And if at the expiration of the said six days, the books aforesaid shall not have the said number of fifty shares therein subscribed, the commissioners respectively, may adjourn from time to time and transfer the said books from place to place, until the whole number of shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require. And when the whole number of shares subscribed shall amount to fifty, the same shall be closed : *Provided always*, That every person offering to subscribe in said books in his own or any other name, shall previously pay to the attending commissioner or commissioners, the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen as hereafter mentioned.

50 shares.
Proviso.

Payment of
expenses.

Letters patent
when to issue.

SECTION 2. When ten persons or more shall have subscribed the whole number of shares of stock as aforesaid, the said commissioners, or a majority of them, shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each, to the Governor of this commonwealth ; whereupon, it shall and may be lawful for the Governor, by letters patent, under his hand and seal of state, to create and erect the subscribers, and if the subscrip-

tion be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of the president and managers of the Rimersburg and Mahoning turnpike road company, and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them, their successors and assigns, and of selling, transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice in two or more public papers printed in the county of Armstrong, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of the votes of the subscribers, by ballot, to be delivered in person or by proxy duly authorized, one president, five managers, one treasurer, and such other officers as may be necessary to conduct the business of said company, until the first Monday in November next, and until such other officers shall be chosen, and shall and may make such by-laws, orders and regulations, not inconsistent with the constitution and laws of the United States and of this commonwealth, as shall be necessary for the well ordering the affairs of said company: *Provided* always, That no person shall have more than twelve votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number.

SECTION 4. The said company shall meet on the first Monday of October, in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a

Name style
and title.

Privileges and
franchises.

Organization
of company.

Election of
president and
managers.

Proviso.

No of votes.

Annual meet
ing of compa
ny to choose
officers.

majority of votes in manner as aforesaid, all such by-laws, rules, orders and regulations made as aforesaid, and to do and perform any other corporate act.

Certificates
of stock how
to be issued.

Transferable.

SECTION 5. The president and managers first to be chosen as aforesaid, shall procure certificates, to be written or printed for all the shares of the said stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation to each person for every share by him subscribed and held, which certificate shall be transferable at his pleasure, in person or by attorney, in the presence of the president or treasurer, subject however to all payments due and to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for that purpose, shall be a member of said corporation, and for every certificate by him held shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meeting thereof.

Penalty for
neglect to pay
instalments.

SECTION 6. If after thirty days notice in two of the public newspapers printed in the county of Armstrong, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, if any stockholder shall neglect to pay any such proportion or instalment at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall in addition to the instalments so called for, pay after the rate of two per cent per month for delay of such payment, and if the same and the said additional penalty shall remain unpaid for such space of time as that the accumulated penalties shall become equal to the sums before paid in part, and on account of such shares, the same shall be forfeited to the said company, and may and shall be sold to any person or persons willing to purchase for such price as can be obtained for the same.

President and
managers du-
ties of and
powers.

SECTION 7. The said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met, three members shall form a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents and other artists and officers as they shall deem necessary to carry on their intended works, and fix their salaries and wages; to ascertain the times when, and the manner and proportion in which, the stockholders shall pay the moneys due on their respective shares in order to carry on the work; to draw orders on the treasurer for moneys necessary to pay the salaries or wages of persons by them employed,

and for labor done and materials provided in the prosecution of the work, which order shall be entered on their book of minutes, and shall be signed by the president, or in his absence by a majority of the board, and countersigned by their secretary, and generally to do all such other acts, matters and things as by this act, and the by-laws, rules, orders and regulations of the company shall be committed to them.

SECTION 8. It shall be lawful for the said president and managers to cause a road to be laid out, fifty feet wide, and at least twenty feet thereof, to be made an artificial road, bedded with wood, stone, gravel, sand or clay well compacted together, and of sufficient depth to secure a solid foundation to the same, as to secure a firm and as nearly as the materials will admit, of an even surface rising towards the middle by a gradual arch, and so nearly level in its progress as that it shall in no place rise or fall more than will form an angle of five degrees, with an horizontal line, and shall forever hereafter maintain and keep the same in good and perfect order and repair from Rimersburg to Mahoning.

Commence-
ment, termi-
nation and
width of road.

SECTION 9. It shall be lawful to and for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, with their tools and instruments, carts, wagons, wains, and other carriages, and beasts of draft or burden, to enter upon the lands in, over, contiguous and near to which the route and track of the said intended road shall pass, first giving notice of their intention to the owners thereof, or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done to any improvements thereon, and also for the value of the materials, by appraisements to be made in the manner hereinafter directed, or upon reasonable agreement, if they can agree; if they cannot agree, then upon an appraisement to be made upon oath or affirmation by three disinterested and reputable freeholders, to be mutually chosen, whose award or the award of any two of them shall be final, and if either the said president, managers, or the said owners, shall upon due notice neglect or refuse to join in the choice, then it shall and may be lawful for any justice of the peace of the county where the said damage may be done, not interested on either side, to appoint the said freeholders; and upon tender of the value so appraised, as aforesaid, it shall and may be lawful for the said president and managers, or for any person or persons, by his, her or their directions to dig, take and carry away any stone, gravel, sand, earth or timber, then being most conveniently situated for making or repairing the said road; *Provided*, That no part of this act shall authorize the taking of any property by said company unless the same be previously paid for, or adequate security be given to the owner for the payment thereof.

Authority to
enter upon
lands.

Mode of as-
sessing and
payment of
damages.

Proviso.

When road
completed
Governor to
appoint view-
ers.

SECTION 10. So soon as the said president, managers, and company, shall have perfected the said road from Rimersburg to Mahoning, they shall give notice thereof to the governor of the commonwealth, who shall, thereupon, forthwith nominate and appoint three disinterested persons to view and examine the same, and report to him in writing whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act; and if their report

When license
may issue.

shall, in either case, be in the affirmative, then the governor shall, by license under his hand, and the lesser seal of the commonwealth, permit and suffer the said president, managers, and company, to erect and fix so many gates and turn-pikes upon and across the said road, as will be necessary and sufficient to collect the toll and duties hereinafter granted to the said company, from all persons travelling on the same with horses, cattle, carts, and carriages.

Toll-gatherers
and their du-
ties.

SECTION 11. When the said company is licensed in manner aforesaid, it shall and may be lawful for them to appoint such, and so many toll-gatherers as they shall think proper, to collect and receive of and from all and every person or persons using the said road, the tolls and rates hereinafter mentioned; and to stop any person riding, leading, or driving any horses, cattle, hogs, sheep, coach, coachee, sulkey, chair, chaise, phaeton, cart, wagon, train, sleigh, sled, or any other carriage of burden or pleasure from passing through the said turn-pikes, until they shall respectively have paid the same: that is to say, for every five miles in length of the said road, completed and licensed, as aforesaid, the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs, or cattle, to wit: For every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle, twelve cents; for every horse and his rider, or led horse, three cents; for every sulkey, chair or chaise, with one horse and two wheels, six cents; and with two horses nine cents; for every chariot, coach, phaeton or dearborn, with one horse and four wheels, nine cents; for every chariot, coach, phaeton or chaise with two horses and four wheels, twelve cents; for either of the carriages last mentioned, with four horses, twenty cents; for every other carriage of pleasure, under whatever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every stage wagon with two horses, twelve cents; and for every such wagon with four horses, twenty cents; for every sleigh, three cents for each horse drawing the same; and for every sled, two cents for each horse drawing the same; for every cart or wagon whose wheels shall not exceed four inches, six and a-quarter cents for each horse drawing the same; and for every cart or wagon whose wheels shall exceed four inches, and not exceed seven inches, four cents for every horse drawing the same; for every cart or wagon, the breadth

Tolls.

of whose wheels shall be more than seven inches, and not more than ten inches, and being of the breadth of seven inches, shall roll more than ten inches, three cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches, and not exceeding twelve inches, or being ten inches, shall roll more than fifteen inches, two cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than twelve inches, two cents for every horse drawing the same. And if any person or persons shall represent to the said company, or any of their officers, that he or she or they have travelled a less distance than he, she or they have actually travelled along said road, with intent to defraud said company of its toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of said company, the sum of five dollars. And if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded shall have travelled along said turnpike road, or shall demand and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherers shall forfeit and pay the sum of ten dollars for every such offence, to the supervisors of the township in which the forfeiture is incurred, to be expended in repairing township roads; and for the payment of which, the said company shall be responsible.

Penalty for fraud on company.

Penalty for taking too much toll.

Carriages drawn partly by horses how rated.

Proviso.

Neglect to keep road in repair, proceedings how instituted.

SECTION 12. All such carriages as aforesaid, to be drawn by oxen in the whole, or partly by horses and partly by two oxen, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse: *Provided*, That all persons attending funerals or places of worship, their horses and carriages shall be exempt from the payment of tolls in going to and returning therefrom.

SECTION 13. If the said company shall neglect to keep the said road in good and perfect order, for the space of thirty days, and information thereof shall be given to any justice of the peace of the neighborhood, within the county where the repair ought to be made, such justice shall issue a precept to be directed to any constable, commanding him to summon three disinterested persons, to meet at a certain time, in said precept, to be mentioned at the place in said road, which shall be complained of, which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, within the said county, and the said justice shall at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road, or any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands of himself and a majority of the said persons, and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true

intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates, between which such defective place shall be, and from thenceforth, the tolls hereby granted to be collected at such turnpikes or gates, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road, shall be put in good and perfect order and repair as aforesaid; and if the same shall not be so put into good and perfect order and repair, before the next general court of Quarter Sessions of the peace, to be held for the county in which the defect is proved to be, the aforesaid justices shall certify and send a copy of the inquisition aforesaid, to the justices of the said court, and the said justices, shall thereupon cause process to issue, and bring in the body or bodies of the person or persons, entrusted by the company, with the care and superintendence of such part of the said road, as shall be so found defective, and shall proceed thereon as in cases of supervisors of the high-ways for neglect of their duty, and if the person or persons entrusted by the said company as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglect, as according to right and justice, would be proper in the cases of supervisors of the high-ways neglecting their duties, and the fines and penalties so to be imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisor of the high-ways of the township, wherein the offence was committed, to be applied to repairing the public roads within such township.

Penalty for
defrauding
company in
avoiding pay-
ment of toll.

SECTION 14. If any person or persons whosoever owning, riding in or driving any sulkey, chair or chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriage of burden or pleasure, riding or leading any horse, mule, mare or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gates or bars, or along or over any private gates or bars, or along or over any private passage way or other ground near to, or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company, and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall with such intent take off, or cause to be taken off, any horse, mule, mare or gelding, or other cattle from any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons in all or every, or any of the ways or manners aforesaid offending, shall for every such offence respectively forfeit and pay to the president and managers and company of the Rimersburg and

Mahoning turnpike road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts of a similar amount are by law sued for and recovered: *Provided always*, That if any person or persons shall be prosecuted under this section of this act, and the said prosecution shall not be sustained on the part of the prosecutors, then in that case the person or persons prosecuted as aforesaid, shall receive from the company the sum of ten dollars, in lieu of damages arising from delay and a vexatious prosecution, recoverable as other fines under this act.

SECTION 15. The president and managers of the said company shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the subscribers to the said undertaking, on account of the several subscriptions, and of all penalties for the delay of payment thereof, and of the amount of profits on the shares which may be forfeited as aforesaid, and also all moneys by them expended in the prosecution of their said work, and shall once at least in every year submit such accounts to a general meeting of the stockholders, until the said road shall be complete, and until all costs, charges and expenses of effecting the same, shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated and ascertained.

SECTION 16. If the said company shall not proceed to carry on the said work within three years after the passage of this act, or shall not within six years afterwards complete the said road, according to the true intent and meaning of this act, then in either of those cases all and singular the rights, liberties and privileges, and franchises hereby granted to the company, shall revert to this commonwealth.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The eleventh day of June, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 237.]

A N A C T

To equalize the Rates of Toll and Transportation on the York and Maryland Line, and Baltimore and Susquehanna Rail Roads.

Preamble.

WHEREAS, the Baltimore and Susquehanna rail road company, are authorized by the laws of the state of Maryland, to charge for tolls and transportation of passengers, not exceeding six cents per mile, and for tolls and transportation of property, not exceeding eight cents per ton of two thousand pounds: *And whereas*, the York and Maryland line rail road company, are authorized to charge only three cents per mile for tolls and transportation of passengers, and only five cents per ton of two thousand pounds per mile, for property: *And whereas*, this state of things increases materially the cost of transportation to those of our citizens whose freight, to or from Baltimore, reaches or leaves the rail road at any point south of the borough of York: Therefore,

Rates of toll
on the York
and Mary-
land line and
Baltimore and
Susquehanna
rail road to be
equalized.
Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall be lawful for the York and Maryland line rail road company, to increase the charge for tolls and transportation of persons and property, to such prices as may be necessary to equalize the rates for the whole distance between York and Baltimore: *Provided always*, That the Baltimore and Susquehanna rail road company, shall reduce their charges for tolls and transportation of persons and property, so far below the maximum allowed by the laws of Maryland, that the aggregate of charges on that road, and on the York and Maryland line rail road, when increased, shall not exceed the aggregate now chargeable on said roads, by the existing laws of Maryland and Pennsylvania.

WM. HOPKINS,

Speaker of the House of Representatives.

E. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The eleventh day of June, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 238.]

A N A C T

Incorporating the Youghiogheny Insurance Company, at West Newton,
in the county of Westmoreland.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That there shall be, and is hereby established Incorporated.
in the town of West Newton, in the county of Westmoreland,
an Insurance company, with a capital of two hundred thou- Capital stock
sand dollars, to be divided into shares of fifty dollars each, \$200,000
and subscribed and paid by individuals, companies or corpo- number of
rations, in the manner hereinafter specified, which stockhold- shares.
ers and subscribers, and their successors, shall be and hereby
are created a body corporate and politic, with perpetual suc-
cession, by the name and style of the Youghiogheny Insu- Name and
rance Company, and by that name shall be capable of con- style.
tracting and being contracted with, of suing and being sued,
of pleading and being impleaded in all courts and places, and Corporate
in all matters whatsoever, with full power and authority to powers.
hold, possess, use, occupy and enjoy, all such real estate as
shall be necessary for the convenient transaction of its busi-
ness, or which may be conveyed to said company for secu-
rity, or in payment of any debt which may become due or
owing to the same, or in satisfaction of any judgment of a
court of law or any order or decree of a court of equity in
their favor, and the same real estate to sell, convey and dis-
pose of; and said corporation may have and use a common Seal.
seal, and the same may change, break, alter or renew at plea-
sure; and also may make, ordain, establish and put in exe-
cution such by-laws, ordinances, rules and regulations as shall By-laws.
be necessary for the government of said company, and for
the prudent and efficient management of its affairs: *Provided,* Proviso.
the same be not contrary to the constitution and laws of this
state and of the United States; *And provided also,* that any
future legislature may alter or amend this act.

SECTION 2. That the corporation hereby created, shall have Power to
power and lawful authority to insure all kinds of property make insur-
against loss or damage by fire, or any other cause or risk, to ances.
make all kinds of insurance against loss or damage by goods On good
and merchandize, or other property in the course of transpor-
tation or otherwise, whither on land or on the water, on any

vessels, boats or other water craft wherever they may be, to make all kinds of insurance upon life or lives, to lend money on bottomry or respondentia, to cause themselves to be insured against any loss, damage or risk in the course of their business, and against any maritime or other risk upon the interest which they may have in any vessel, boat, goods or other property, by means of any loan or loans which they make on mortgage, bottomry, respondentia or otherwise, and generally to do and perform all other necessary matters and things connected with or proper to promote their objects.

SECTION 3. That it shall be lawful for said company to invest any part of their capital stock, money, funds or other property, in any public stocks or funded debt created or to be created by or under any laws of this or any other state, or of the United States, or in the stock of any chartered bank of this State, or of any other State, or of the United States, and the same to sell and transfer, at pleasure, and again to invest the same or any part thereof, in such stocks or funds or otherwise, whenever, and as often as said company may deem it expedient, or they may loan the same or any part thereof, to individuals or corporations, on real and personal security for such period of time and upon such terms, and under such restrictions as the directors of said company, for the time being, shall deem most expedient.

SECTION 4. That the real and personal estate, business, property, funds and prudential concerns of said company, and the administration of its affairs shall be under direction, management and control of a board of nine directors, who shall be stockholders and residents within this state, and citizens of the United States, and after the first election they shall be elected by the stockholders on the first Monday of July, annually, of such time of the day, and at such place, or in the town of West Newton, as the said directors, for the time being shall appoint, and they shall hold their offices for one year, and until their successors shall be chosen, and the notice of every such election shall be advertised and published for three weeks next preceeding the same, in one or more newspapers printed in said county of Westmoreland, and such election shall be by ballot, and a majority of all the votes shall be necessary for a choice, which votes shall be received and counted in public, by and under the direction of these stockholders, not directors at the time to be previously appointed by the board of directors for that purpose; and at every such election and at all other meetings of the stockholders held in pursuance of the provisions of this act, each share shall be entitled to one vote, and after the first election no share shall confer a right to vote which shall not have been holden by the owner thereof, and so appearing on the books of the company, at least three calender months previous to the day of the

Capital stock.
how to be em-
ployed.

Directors.

To be elected
annually.

Notice.

To vote by
ballot.

Ratio of votes.

election; and all stockholders absent from any meeting may vote by proxy, such proxy being a stockholder and present at the time of voting, and in case it should so happen that an election should not be holden on any day when by the provisions of this act it ought to have been made, the said corporation shall not, for such cause, be deemed to be dissolved, but it shall be lawful for said company to make an election of directors on any other day, in such manner as may be provided for by the by-laws or ordinance of said corporation.

Proxies.

Failure to elect not to dissolve corporation.

SECTION 5. That the directors chosen under the provisions of this act, shall, as soon as may be after the first election, and after any annual election, elect from their own body a president, who shall preside in the board until the next annual election; and in case of his death, resignation, or otherwise, the board shall appoint a president pro tempore; they shall fill all vacancies which may occur in their own body during the time for which they may be elected, and shall appoint a secretary, and all subordinate officers, clerks, and agents of said corporation, define their powers, and prescribe their duties, who shall hold their several offices during the pleasure of the board; they shall make such by-laws, rules, and regulations, for the government of themselves, and their inferior officers and agents, in the management of the affairs of the corporation, as to them shall appear needful and proper, not inconsistent with the laws of this State, and the by-laws of the stockholders, adopted at any regular meeting; they shall hold stated meetings as often as once in every month, on such day of the month, and such hour of the day, as they, from time to time, shall appoint, and at such other times as the president, for the time being, shall direct; a majority of all the directors shall constitute a board for the transaction of business; and all questions before the board shall be decided *viva voce* by a majority of the directors present, any two of whom may require the yeas and nays to be taken on any proposition submitted and entered on record, in the journals of their proceedings.

President.

Vacancies.

Secretary clerks, &c.

Stated meetings.

Quorum.

Contracts and policies.

SECTION 6. That all policies or contracts of insurance which may be made or entered into by said corporation, shall be subscribed by the president, or such other officer as shall be designated for that purpose by its by-laws, and attested by the secretary, and being so signed and attested shall be binding and obligatory on said corporation without the seal thereof, according to the true intent and meaning of such policies or contracts, and the directors shall at every annual election or other general meeting of the stockholders lay before them a correct and particular statement of the consideration and affairs of said company.

SECTION 7. That the stock of said company shall be assignable and transferable on the books of the same, or otherwise, according to such rules and by-laws, and subject to such re-

Transfer and assignment of stock.

strictions and limitations as the stockholders at a general and regular meeting may from time to time adopt and establish.

Annual meet-
ing of stock-
holders. SECTION 8. That there shall be a general meeting of the stockholders, annually, at the time and place appointed for the election of directors; and the Board of Directors, or any number of stockholders, being the owners of at least two hundred shares, may at any time call a general meeting of the stockholders on any business interesting the company, by giving at least three weeks notice of the time and place and business of such meeting, in one or more newspapers printed in the town of Greensburg: and the stockholders present, in person or by proxy, at any such meeting shall divide questions proposed for consideration by a majority of votes, each hare counting one vote, and may make and prescribe such by-laws, rules and regulations as to them may seem needful and proper, touching the management of the stock, funds, money, estate, property and concerns of said company, or the disposition or the sale of the same, or the duties, powers, and conduct of any of its officers, agents or servants; not inconsistent with the laws of this state.

When, where
and by whom
subscriptions
to be opened. SECTION 9. That Alexander Plumer, James B. Oliver, James Bell, Benjamin Stewart, Joseph Budd, John Bennett, M. P. Smith, William Brookens, Archibald B. McGraw, and James Gaffey, of Westmoreland county, or any six of them, be and they are hereby authorized to open subscription books in the said town of West Newton for the capital stock of said company, on the first Monday of August next, and keep them open (Sundays excepted) every day between the hours of nine o'clock in the morning and four in the afternoon, for twenty
No. of shares. days, or until at least four hundred shares of stock shall be subscribed for, after which time it shall be lawful for the subscribers to meet, fifteen days notice of the time and place being
Notice. previously given, in at least one newspaper printed in the county of Westmoreland, and choose the first board of directors, who shall continue in office until the next annual election.

Books to be
kept open till
400 shares
subscribed. SECTION 10. That if, when the books shall have been so kept open for twenty days, four hundred shares of said stock shall not have been subscribed, the said commissioners may, on any subsequent day at said West Newton, or at any other place, re-open said books, and keep them open until four hundred shares shall have been subscribed: *Provided*, That twenty days notice of the re-opening of said books shall first have been given in some newspaper printed in the county aforesaid.
Proviso.

Mode of pay-
ment of stock. SECTION 11. That the payment of said stock shall be made by the subscribers respectively, at the times, and in the manner following: At the time of subscribing, there shall be paid

on each share one dollar, and immediately after the first election of directors, and before the company shall make any policy or contract of insurance, the balance shall be paid, or satisfactorily secured to be paid on demand, by endorsed notes mortgages on real estate, hypothecated stock not of said corporation, or other property, and shall be subject to the call of the board of directors, as the exigencies or interest of the company may require; and if any stockholder shall neglect or refuse to pay any instalment of stock when called for by the board of directors, after giving ten days public notice thereof, to sell at public auction so much of the property pledged or given in security for the payment of said stock, or so many shares of the capital stock of such delinquent stockholder as shall be necessary to pay such instalment, and the expense of sale, and transfer and convey the same by deed or otherwise to the purchaser; or they may recover the same by suit, in their corporate name, against such delinquent stockholder, without delay or stay of execution: *Provided*,^{Penalty for neglect.} That if any shares of capital stock shall be sold in manner aforesaid, the purchaser, before any assignment thereof, shall pay, or cause to be paid, in manner aforesaid, any balance which shall be due thereon. This act shall be taken and received in all courts, and elsewhere, as a public act, and shall continue in force twenty years. The legislature reserves^{Duration of charter.} the power to alter, revoke, or annul the same, whenever, in^{Right to repeal.} their opinion, it may be injurious to the citizens of this commonwealth, in such manner, however, that no injustice shall be done to the corporators.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The eleventh day of June, A. D., one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 239.]

A N A C T

Relative to certain taxes in the counties of Centre, Lycoming and Clinton, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the county and road taxes required to be paid by the treasurers of Centre and Lycoming counties, to the treasurer of Clinton county, by the provisions of the seventh section of the act of assembly, entitled an act erecting parts of Lycoming and Centre into a new county, passed the twenty-first day of June, eighteen hundred and thirty-nine, shall include all the road and county taxes assessed for the year eighteen hundred and thirty-nine, within the limits of the county of Clinton, whether the same shall have been assessed before or after the first day of March, eighteen hundred and thirty-nine.

Taxes to be paid to Clinton county to include the road and county taxes assessed, 1839.

Preamble.

SECTION 2. Whereas, by an act of the General Assembly of Pennsylvania, passed the seventh day of February, Anno Domini, eighteen hundred and thirty-one, the hall and lot of ground belonging to the academy of Natural Sciences of Philadelphia, were exempted from taxation: *And whereas,* in order to afford more extensive accommodation for their Library, Museum and collections in Natural History, and to increase the usefulness of the said Academy of Natural Sciences, they have sold their former property, and applied the proceeds thereof towards the purchase of another lot of ground, and the erection thereon of a more commodious and larger hall: Therefore,

Hall and lot of ground of the academy of natural science Phila. exempt from taxation

Be it enacted by the authority of the same, That the hall and lot of ground belonging to the academy of Natural Sciences of Philadelphia, situated in Broad street, in the city of Philadelphia, be and the same is hereby exempted from all state, county, corporation, poor and school taxes, so long as the said hall and lot of ground shall belong to, and be used for the purposes of the said academy of Natural Sciences of Philadelphia.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The eleventh day of June, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 240.]

A N A C T

To incorporate the members of the Tamaqua Union Church and School House, of the county of Schuylkill.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* 'That the members of the Tamaqua Union Church and School House, in the county of Schuylkill, be and they are hereby enacted into a body corporate and politic, in deed and in law, by the name, style and title of the "Tamaqua Union Church and School House," and by the same name shall have perpetual succession, and be able to sue and be sued, implead and be impleaded in all courts of law and elsewhere, and shall be able and capable in law and equity to take, hold and enjoy, for the use of the said church, such lands and tenements, goods and chattels, as now are or shall hereafter become the property of the said congregation, or be held for their use by gift, grant, devise, bequest or otherwise, from any person or persons whomsoever capable of making the same, and the same to grant, bargain, sell or otherwise dispose of, for the use of the said congregation: *Provided however,* 'That the yearly value or income of the said estate shall not at any time exceed the sum of two thousand dollars, nor be appropriated to any other than benevolent or religious purposes.

Incorporated.
Name and style.
Privileges.
Proviso.
Yearly income limited.

SECTION 2. The trustees of the said church and school house, for the time being, and their successors in office, according to the form of discipline by which said church and school house is governed, shall have the care and management of all the property, real and personal, belonging to said corporation, shall be members thereof, and shall be accountable thereto for their official conduct, and shall in all respects conform to its instructions: *Provided,* the same are not inconsistent with the constitution or laws of the United States or of this commonwealth, or with the form of discipline by which the said corporation is governed, as a church.

Trustees to have charge of the property of the corporation.
Proviso.

SECTION 3. Every male member in full communion in the said church, of the age of twenty-one years and upwards, being a citizen of Pennsylvania, and having resided in the borough of Tamaqua, in the county of Schuylkill, or its vicinity, for the space of six months, shall be considered a mem-

Members.

ber of the said corporation, and be as such entitled to the privileges of speaking and voting at its meetings.

Seal.

By-laws.

Proviso.

SECTION 4. The said corporation shall have full power to make and use one common seal, with such device or inscription thereon as they may deem proper, and the same at pleasure to break, alter or renew; and also to enact and enforce such by-laws and ordinances, from time to time, as they may judge expedient for the prosperity and good government of the said corporation: *Provided*, The same shall not be inconsistent with the constitution and laws of the United States or of this commonwealth, or with the form of discipline by which said church is governed.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The eleventh day of June, A. D., one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 241.]

AN ACT

Extending the charter of the York county Manufacturing Company.

Charter of
York county
Manufactur-
ing co. ex-
tended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the act entitled "an act to incorporate the York county Manufacturing company," approved the twenty-eighth day of March, one thousand eight hundred and twenty, and the supplement thereto passed the seventh day of April, one thousand eight hundred and thirty, be and the same are hereby revived and continued in full force to all intents and

purposes, for the space of ten years from and after the twenty eighth day of March, one thousand eight hundred and forty.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The eleventh June, A. D. eighteen hundred and forty.

DAVID R. PORTER.

[No. 242.]

A N A C T

To provide for continuing the improvements of the State, and for the payment of the interest on the public debt.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the following sums be and hereby are specifically appropriated to the purposes herein mentioned, to wit:

For the completion of the railway to avoid the inclined plane at Columbia, the sum of fifty-eight thousand dollars. Appropriations to avoid inclined plane at Columbia.

For purchasing new locomotive engines and ropes, and pay debts due for motive power on the Columbia and Portage railroads, the sum of thirty thousand dollars. New locomotives, ropes &c.

For removing the north track of the Columbia and Philadelphia rail road, from the twenty-second mile-stone to Whitehall, the sum of one hundred thousand dollars: *Provided,* That the said sum of one hundred thousand dollars shall be taken out of the fund appropriated for repairs. North track to C. and P. rail road.

To pay debts due on the Sinnemahoning extension of the West Branch canal, the sum of thirty-four thousand one hundred and twenty-four dollars. Sinnemahoning extension

To pay debts due to contractors, engineers, and others, for work done on the Gettysburg railroad prior to the first of March, eighteen hundred and thirty-nine, the sum of one hundred and fifty thousand dollars; and said money shall be paid out and disbursed by a person to be appointed for Gettysburg rail road.

that purpose by the canal commissioners, who shall be sworn or affirmed faithfully to discharge his duties; and shall give such security, and settle his accounts in the same manner as has been heretofore given and required of the superintendent of said road.

Allegheny feeder. To pay debts due for work done on the Allegheny feeder, eleven hundred dollars.

Eastern division. For the payment of balance due for doubling locks on the Eastern division of the canal, the sum of seven thousand four hundred and two dollars.

Repairs. For the repairs and payment of debts already due for the same, on the different lines of canals and railroads, the sum of six hundred thousand dollars.

New work on finished line. For new work on finished lines, pay of canal commissioners, appraisers, and engineers not connected with extensions, the sum of thirty thousand dollars.

Motive power and repairs prior to Feby. 1st 1839. To pay debts due for motive power and repairs contracted prior to the first of February, one thousand eight hundred and thirty-nine, the sum of fifty thousand dollars.

Damages. For damages, the sum of thirty thousand dollars.

Erie division. Towards the completion of the contracts on the Erie division of the Pennsylvania canal, the sum of six hundred thousand dollars.

North Branch extension. Towards the completion of the contracts on the North Branch extension of the Pennsylvania canal, the sum of six hundred thousand dollars.

Wisconisco canal. The sum of sixty thousand dollars towards the completion of the Wisconisco canal.

Second track to avoid inclined plane at Columbia when commenced. SECTION 2. The laying of the second track on the road to avoid the inclined plane at Columbia, shall not be commenced, or if already commenced, shall not be progressed with, nor any alteration in the route through Columbia made until all the debts now due are fully paid, or money set apart out of the appropriation contained in the preceeding section for the payment thereof: *Provided*, That the Canal Commissioners

Proviso. be and hereby are required to open and turnpike a street in the borough of Columbia, on the scite of a fourteen feet wide alley, now running north from Walnut street, between Front and Second streets, in said borough, said street to be of the same width as Walnut street aforesaid, and to extend northwardly until it enters the street now being opened east of the Pennsylvania canal basin, in the borough aforesaid: *Provided also*, That the said commissioners can obtain sufficient ground for the scite of said street from the Misses Bethel, who own the adjoining lands, without cost or charge for damages; and also the property, or so much thereof as may be necessary, belonging to Reuben Mullison, and fronting on Walnut street aforesaid, at a reasonable price, not to exceed in any event, the sum of two thousand dollars.

Proviso. the said commissioners can obtain sufficient ground for the scite of said street from the Misses Bethel, who own the adjoining lands, without cost or charge for damages; and also the property, or so much thereof as may be necessary, belonging to Reuben Mullison, and fronting on Walnut street aforesaid, at a reasonable price, not to exceed in any event, the sum of two thousand dollars.

Damages. the said commissioners can obtain sufficient ground for the scite of said street from the Misses Bethel, who own the adjoining lands, without cost or charge for damages; and also the property, or so much thereof as may be necessary, belonging to Reuben Mullison, and fronting on Walnut street aforesaid, at a reasonable price, not to exceed in any event, the sum of two thousand dollars.

May pay R. Mullison. the said commissioners can obtain sufficient ground for the scite of said street from the Misses Bethel, who own the adjoining lands, without cost or charge for damages; and also the property, or so much thereof as may be necessary, belonging to Reuben Mullison, and fronting on Walnut street aforesaid, at a reasonable price, not to exceed in any event, the sum of two thousand dollars.

SECTION 3. For the payment of debts due for locomotives and ropes on the Columbia rail road, the sum of forty thousand dollars, or so much thereof as may be necessary, is hereby appropriated.

SECTION 4. The Secretary of the Commonwealth is hereby authorized and directed to take and receive from the Girard bank, the sum of fifty thousand dollars, part of the loan of three hundred and eighty thousand dollars authorized by the act of ninth of February, Anno Domini, one thousand eight hundred and thirty nine, to repay the money borrowed by the late executive of this commonwealth, for the repairing of the breaches in the Juniata Division of the Pennsylvania canal, between Huntingdon and Hollidaysburg, and defraying the balance of the expenses incurred in repairing the said breach, and out of and with the said fifty thousand dollars cause to be disbursed and paid out by and through the agency of the collector of the port of Huntingdon, on said canal, the debts and moneys yet due and owing to individuals on account of the repairing of said breach; and the Secretary of the Commonwealth is hereby further authorized and directed to take and receive from said Girard bank the further sum of two hundred and eighty thousand dollars, part of said loan, and to deposite the same in the Bank of the United States, if the said Bank of the United States will agree to accept the same on deposite, and stop the further payment of interest from the time of deposite on that amount (two hundred and eighty thousand dollars) of its loans to the late executive of this commonwealth, or on so much thereof as the same may be; and after payment as aforesaid, of said debts due to individuals (if any balance should remain,) deposite any such balance in like manner and on like terms and conditions: *Provided*, That nothing in this act contained, shall be construed to preclude an examination into the validity of the expenditure of said money, as fully as though the deposite authorized had not been used by said Bank of the United States.

SECTION 5. The Governor is hereby authorized and required within thirty days after the passage of this act, to subscribe to the stock of the Monongahela Navigation Company, the sum of one hundred thousand dollars, which shall constitute the commonwealth a stockholder in said company to that amount; *Provided*, That all descending crafts owned by citizens of Pennsylvania, not calculated or intended to return from any point between Millsborough and the Virginia state line, shall pass free of toll through any lock or dam of the lower division of said improvement, until the company shall put the first dam above Brownsville in the second division under contract, and complete the same, agreeably to the plan of said improvement.

SECTION 6. To complete the surveys of a rail road from

Survey of Harrisburg to Pittsburg, the sum of fifteen thousand dollars :
 rail road from And the engineers surveying the same in connection there-
 Harrisburg to with, are hereby authorized to make a survey to ascertain the
 Pittsburg. practicability of a McAdamized road, of an easy grade, from
 McAdamized some point at or west of Laughlinstown to some point at or
 road. near Chambersburg; *Provided*, That after the passage of this
 Proviso. act, the principal engineer conducting and directing said sur-
 Office of su- veys, in addition to his duties as engineer, shall perform the
 perintendent duties heretofore performed by the superintendent thereof, and
 abolished, en- the office of superintendent of the same is hereby abolished.
 gineer to per-
 form said
 duties.

SECTION 7. For the payment of the interest upon the public
 Interest due debt falling due on the first days of August and February next,
 1st Aug. and such sum as shall be required for that purpose.
 Feby. next.

SECTION 8. That the Governor be and he is hereby author-
 Loan authori- ized to borrow on the credit of the commonwealth the amount
 zed. herein appropriated, as it may be wanted, at an interest not
 Interest. exceeding five per cent per annum, payable half yearly, and
 Reimbursed. exceeding five per cent per annum, payable half yearly, and
 Certificates of to be reimbursed at any time after the first day of July, one
 stock. thousand eight hundred and seventy; and he shall issue cer-
 Transferable. tificates of stock for the same, transferable on the books of
 New certifi- the Auditor General, or at the Bank of Pennsylvania, by the
 cates. owner or owners thereof, and upon such transfer new certifi-
 Interests. cates shall be issued by the Auditor General and State Treas-
 where paid. urer, and the interest upon the said stock shall be paid at
 the Treasury, or at the Bank of Pennsylvania, as shall be
 agreed upon by the Governor and the original purchasers of
 said stock.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The eleventh day of June, A. D , eighteen
 hundred and forty.

DAVID R. PORTER.

[No. 243.]

A N A C T

To incorporate a Female Seminary, in Landisburg, Perry county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That there shall be, and is hereby established in Landisburg, in the county of Perry, a Female Sem-^{Seminary es-} tablished. inary or public school, for the education of Female youths, in the English or other languages, and in the useful arts, sciences and literature, by the name, style, and title of the Landisburg Style. Female Seminary; the said Seminary, to be under management, direction, and government of a board of trustees, not exceeding ^{Trustees.} seven in number, four of whom shall be a quorum for the transaction of business; the trustees are the following named persons, viz: John Junkin, Samuel A. Moore, Henry Fetter, ^{Names.} James Diven, Sr. Peter Hench, John Stambaugh, and James McClure; which said trustees, and their successors, to be elected as hereinafter mentioned, from among the holders of stock in said seminary, shall be, and they are hereby erected, established and declared, to be a body politic and corporate, with ^{Privileges.} perpetual succession, and with all the incidents of a corporation, in deed and in law, to all intents and purposes whatsoever, by the name, style and title, of "the trustees of the Landisburg Female Seminary," by which name and title, the said trustees and their successors, shall be able and capable, at law and in equity, to take to themselves and their successors, for the use of said seminary, any estate, in any messuages, lands, tenements, hereditaments, goods, chattles, moneys, or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise, or bequest, of any person or persons whatsoever: ^{Proviso.} *Provided,* The same does not exceed in the whole, the yearly value of three thousand dollars, and the same messuages, lands, tenements, hereditaments, and estates, real and personal, to grant, bargain, sell, convey, assure, devise, and to farm, let, and place out on interest, or otherwise, dispose of or invest, for the use of the subscribers in said seminary, in such manner as to them, or at least a quorum of them, shall seem most beneficial to the institution, and to receive the rents, issues, profits, income, and interest of the same, and to apply the same to the proper use of said seminary; and by the same name to sue,

prosecute and defend, implead, and to be impleaded, in any courts of law or equity, and in all manner of suits and actions whatsoever, and generally by, and in the same name, to do and transact all and every business touching, or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually, as any natural person, or body politic or corporate, have power to manage their own concerns.

Seal.

SECTION 2. The said trustees shall cause to be made for their use, one common seal, with such devices and inscriptions thereon, as they shall think proper, and by and with which, all deeds, certificates, and acts of the said corporation shall pass and be authenticated, and the same seal at their pleasure, may break and alter, and devise a new one.

Annual meeting of trustees

SECTION 3. There shall be a meeting of the trustees held once in every year, at least, at Landisbug, at such time as the said trustees, or a quorum of them shall appoint, of which meeting due and timely notice shall be given, and if less than a quorum attend at such meeting, those present, shall have the power to adjourn to another day; said trustees shall have power of making and enacting ordinances for the government of the said seminary, of electing trustees from among the subscribers in the seminary as aforesaid, in the place and stand of those who shall resign or die, of electing and appointing teachers of said seminary, of agreeing with them for their salaries and stipends, and of removing them for misconduct, breaches of the ordinances of the institution, or other causes, which shall be deemed sufficient, of appointing committees of their own body, to carry into execution all and every, the resolutions of the board, of appointing a president, secretary, treasurer, and other officers, whom they may find necessary for managing the corporation, of providing for the punishment of all violations of the rules, regulations, or ordinances of the seminary, or other misconduct committed by the pupils, or other persons thereat, and generally, at any annual adjournment, or extra meeting, shall determine all matters and things, (although the same are not herein particularly mentioned,) which shall occasionally arise, and be incidentally necessary to be determined by said trustees: *Provided*, That no ordinances or regulations shall be of any force, which is repugnant to the constitution and laws of the United States, or of this Commonwealth.

Powers and duties.

Officers.

Proviso.

Teachers powers of

SECTION 4. That the teachers of said seminary, or a majority of them, shall have power of enforcing the rules and regulations adopted by the trustees, for the government of the pupils, and to grant and confirm, by the order and direction of a quorum of the board of trustees, such degrees in the arts, sciences, or other branches thereof, to such pupils of the seminary, and others, who by their proficiency in learning, or other distinction, they think shall be entitled to them, as have been usually granted in other similar seminaries, or which the said trus-

tees, or a quorum thereof, shall think right and proper, and to grant to such graduates, certificates under their common seal.

SECTION 5. Persons of every religious denomination, shall be capable of being elected trustees; nor shall any person as principal teacher, or pupil, be refused admittance into said seminary, or denied any of the privileges, immunities, or advantages thereof, for, or on account of his sentiments in matters of religion. Who may be trustees.

SECTION 6. No misnomer of the said corporation, shall defeat or annul any gift, grant, devise, or bequest, to or from said corporation: *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, grant, will, or other writing, whereby any estate or interest, was intended to pass, to or from said corporation. Misnomer.
Provido.

SECTION 7. The legislature reserves the right to revoke, alter, or annul the charter hereby granted, at any time they may think proper. Legislature may annul

SECTION 8. That from and after the passage of this act, one school director, and no more shall be elected annually in the several townships and boroughs, in the county of Susquehanna, and that so much of any act as is hereby altered or supplied, be and the same is hereby repealed, so far as regards the said county. One school director to be elected annually in Susquehanna county.
Repeal of former acts.

SECTION 9. No person whose name has been, or may be returned by the assessor of any township or borough, in the county of Montgomery, for collector of county rates and levies, for such township or borough, shall be appointed collector, unless the county commissioners of said county, shall first approve of such person so returned for collector, and if the county commissioners of said county, shall disapprove of any person so returned, they shall appoint some other suitable and respectable person, collector for such township or borough, or if the person returned, had refused or neglected to perform the duties of said office. County commissioners of Montgomery county to approve of collectors for taxes.

SECTION 10. The commissioners of the county of Clinton, are hereby authorized and empowered, to change the location or scites fixed for a court house and jail, for said county, to such place within the town of Lock Haven, as they shall deem most advantageous and convenient for the same. Commissioners of Clinton co. to change scites for court house and jail.

SECTION 11. That Stephen Lloyd, and James Rhey, of Cambria county, James Bard, of Indiana county, David Ferguson, of Clearfield county, and James Winslow, of Jefferson county, be and they are hereby appointed commissioners to lay out, and mark a state road, beginning at the town of Ebensburg, in Cambria county, thence, by the nearest and best route to the Cherry tree; thence by the nearest and best route to the town of Punxatawne, Jefferson county. Commissioners to lay out a state road from Ebensburg to Punxatawne Jefferson county.

SECTION 12. It shall be the duty of the above named commissioners, or a majority of them, after taking an oath or affirmation, before a justice of the peace, to perform the duties Duty of commissioners.

enjoined upon them by this act, with impartiality and fidelity, to carefully to view the ground over which the road, by them to be laid out, may pass, and to lay out the same, as near to a straight line, between the aforesaid points, as the nature of the ground, and other important circumstances will permit, and so, that the vertical departure from a horizontal line, shall at no point exceed five degrees.

To mark the route.

SECTION 13. It shall be the duty of the commissioners, plainly and distinctly, to mark upon the ground, the route agreed upon for the road, by them laid out as aforesaid, in such manner as to enable the supervisors readily to find the same, and for the purposes of fulfilling the duties in this act enjoined; the commissioners are hereby authorized, to employ two chain bearers, and one axe-man, at a per diem allowance, not exceeding one dollar.

Draft.

To be filed in secretaries office.

SECTION 14. It shall be the duty of the commissioners, to mark out a fair and accurate draft of the said location; noting thereon, the courses and distances from point to point, as they occur, the improvements passed through, and also, the crossing of county or township lines, roads and waters, with such other matters as may serve for explanation; one copy whereof, shall be deposited in the office of the secretary of the commonwealth, on or before the first day of February next, and one copy, in the office of the clerk of the court of Quarter Sessions of the respective counties, through which the said road may pass, on the day aforesaid, or as much sooner as practicable, which shall be a record therefor, and from thenceforth, the said road shall be to all intents and purposes, a public high-way, and shall be opened and repaired in all respects, as roads are opened and repaired, which are laid out by order of the courts of Quarter Sessions of the peace, of the several counties of this commonwealth.

Pay of officers

Account show adjusted.

SECTION 15. The compensation of the commissioners, shall be one dollar and twenty-five cents, for each and every day necessarily employed by virtue of this act, and the accounts of the said commissioners for their own pay, and the pay of the hands as aforesaid, shall be adjusted and allowed, by the commissioners of the respective counties, through which the said road may pass, and paid by the treasurer thereof, on warrants drawn in the usual way, and in proportion to the length of the road in such county respectively.

Time of meeting.

SECTION 16. The said commissioners, shall meet at the place of beginning on the road before mentioned, to be by them laid out, on the first Monday of September next, or sooner, as may best suit their convenience, and complete the location of the road as soon as practicable. And if any vacancy or vacancies shall happen, by the resignation of any one of them, or by any other cause, the court of Quarter Sessions of the county, wherein such vacancy or vacancies shall happen, is hereby

authorized to fill such vacancy or vacancies, by as suitable appointment.

SECTION 17. It shall be the duty of the said commissioners, to take from each and every person or persons, owning land along the road by them to be laid out, acquittances or releases, from any claim of damages upon the condition, that such road shall pass through the land of such person or persons, and to file the same in the commissioners office of the proper county. Releases for damages.

SECTION 18. That from and after the passage of this act, the Phœnix Guards, of the sixtieth regiment, first brigade, thirteenth division, Pennsylvania Militia, in the county of Westmoreland, shall be exempted from parading or drilling, with any regiment or battalion of militia, except at the discretion of the members of said company : *Provided*, That the above named company, shall meet the proper number of days required by law, in their company capacity. Phœnix Guards exempt. Proviso.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twelfth day of June, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 244.]

AN ACT

For the relief of Samuel McCall and others, soldiers and widows of soldiers of the revolutionary war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the State Treasurer be, and he is hereby authorized and directed to pay to Samuel McCall of Butler county, James Forsythe of Allegheny county, Abner Longshore of Cumberland county, John Rees of Philadelphia county, James Hays, Robert Donough, and Jacob Coon of Greene county, Peter Hage, and Philip Smith of Beaver county, Jacob Essick, and Richard Baker of Perry county, John Gratuity and annuity to Samuel McCall & others soldiers &c.

Ross of Morris county, New Jersey, and William Ritchey of Allegheny county, Mary Ransall, and John Allen of Butler county, Mark Coyle, and Jacob Sheets of Washington county, in the state of Maryland, soldiers, and to Magdalena Moore of Lebanon county, Mary Battin of Philadelphia county, Mary Stevenson of Butler county, Martha McCune of Franklin county, Mary Heisly, Mary Gossler, and Sarah Currie of Lancaster county, Barbara Bowers, and Elizabeth Stewart of Armstrong county, Anna Maria Calhoun, Nancy Miller of Centre county, and Catharine Hornsher of Montgomery county, and Catharine Leitheiser of Stark county, in the state of Ohio, widows of soldiers of the revolutionary and Indian wars, or their respective orders, forty dollars each immediately as a gratuity, and an annuity of forty dollars each during life, to be paid half yearly, commencing on the first day of January, in the year of our Lord one thousand eight hundred and forty. The foregoing gratuities and pensions to be paid in conformity with the existing laws.

Gratuity to John Young. SECTION 2. That the State Treasurer be, and he is hereby authorized and required to pay to John Young of Venango county, Jonas Colestock of Fayette county, Henry Keiser of Montgomery county, Jacob Allum of Bucks county, John Hoffman of Montgomery county, Alexander Clark, David Rollyer of Crawford county, and Samuel Pollock of Beaver county, or to their respective orders, forty dollars immediately as a gratuity, in full for military services rendered by them in the revolutionary and Indian wars. The foregoing gratuities and annuities to be paid in conformity to the existing laws.

Repeal of former act relative to John McIlney. SECTION 3. So much of the third section of the act of April sixteenth, eighteen hundred and forty, entitled an act for the relief of Elizabeth Hubley, and others, widows and soldiers of the revolutionary wars, as grants; a gratuity and annuity to John McIlney of Bedford county, is hereby repealed.

Preamble. WHEREAS, the act of twentieth of May, eighteen hundred and thirty-nine, granted a pension and gratuity to Robert Hannah, in which he is erroneously described as a citizen of Venango county, the said Robert Hannah being a citizen of Jefferson county: Therefore,

Pension and gratuity of Robert Hannah. SECTION 4. That the said pension and gratuity shall be paid to Robert Hannah, of Jefferson county, the person intended by this act.

WM. HOPKINS,
Speaker of the House of Representatives.
EB. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The twelfth day of June, A. D. one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 245.]

A N A C T

To incorporate the town of Harmony, in the county of Butler, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the town of Harmony, in the county of Butler, and territory included within the following boundaries, to wit: beginning at the Conoquenessing bridge, thence south twenty-seven degrees, west thirty perches to a stone; thence south seventeen degrees, east eighty-four perches to a post; thence south three degrees, west forty-five perches to a post; thence south three degrees, east twenty-nine perches to a post, and south eight degrees, west sixteen perches and ten links to an alley; thence south eight degrees, east sixty-one perches to a post on Howell street; thence by said street south eight degrees, west sixteen perches to the old Harmony and Pittsburg road; thence along said road south eight degrees, east thirty-eight perches to Beaver street; thence by said Beaver street, including the same, south eight degrees, west forty-one perches and fifteen links to Washington street; thence by the centre of said Washington street, north eight degrees, west two hundred and twenty-two perches to the bank of the Conoquenessing creek; thence along the same, the following courses and distances, north thirty degrees, east thirty-three perches, and north fifteen degrees, west twenty perches and south nine degrees, east ninety-eight perches to the place of beginning, are hereby erected into a borough, which shall be called and styled the borough of Harmony, and by that name shall be capable in law to purchase, have, hold and enjoy, and retain forever, or for a less term, lands, tenements and hereditaments, goods, chattels and effects of every kind whatsoever, that may be necessary to fulfil the end of the corporation, the clear yearly value of which shall not exceed three thousand dollars; and the said corporation shall have perpetual succession, and in its name shall be capable in law, to sue and be sued, plead and be impleaded, in any of

Boundaries.

Privileges.

Yearly value limited.

Seal.

the courts of law of this commonwealth, or elsewhere, in all manner of actions whatever, to have and to use one common seal, and the same from time to time to change and alter, and shall be entitled to the several rights, privileges and immunities, conferred by the act entitled an act to provide for the incorporation of boroughs, passed April first, eighteen hundred and thirty-four, upon boroughs incorporated by the said recited act, and be subject to the provisions and restrictions therein contained, as well as to such modifications as may be made by the legislature..

Election of borough officers.

SECTION 2. The inhabitants of said borough shall meet on the third Friday of July next, and annually thereafter, on the day fixed by law for the election of constables and other township officers of this commonwealth, at the house now occupied by Samuel Beam, in said borough, or at such other place therein, as may be directed by the court of Quarter Sessions of said county of Butler, and then and there elect a burgess and other officers of said borough, agreeably to the provision of the above mentioned act; and at the first election shall also elect two justices of the peace for said borough, agreeably to the existing laws; and the constable of the township of Conoquennessing shall give notice of the first election to be held under this act, by six or more printed or written bills, put up at the most public place in said borough, at least ten days before said election.

Elect two justices of the peace.
Constable to give notice.

To be a separate district from the township of Conoquennessing in the collection of county rates &c.
Proviso.
Not to change election district.

SECTION 3. The territory within the limits of the said borough shall be a separate district for the levy and collection of county rates and taxes, and in all other respects shall be separate from the township of Conoquennessing, in said county, and that all jurisdiction of the officers of said township, from the third Friday of June next, shall cease, except so far as to collect any taxes that may then be due and owing to them from the inhabitants of said borough: *Provided*, That nothing herein contained shall be construed to effect the election district as now formed, but that the township of Conoquennessing, including the borough of Harmony, shall be and remain an election district, the same as though this act had not been passed.

Collectors of taxes to give security.

SECTION 4. The collector of the borough hereby incorporated, and the collector of each borough, which has been or may be incorporated under the above recited act of April first, one thousand eight hundred and thirty-four, or by any special act of assembly, shall in such manner as may be provided by the ordinances of the borough, give security for the faithful discharge of the duties of his office, and for the safe delivery of all monies, books and accounts appertaining thereto, to such persons as the ordinances of such borough may require; and all bonds which have been given by any such collectors, agreeably to any ordinance of any borough, shall be as good

and valid against such collector, and his sureties therein named, as if executed by direction of any act of assembly.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twelfth day of June, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 246.]

AN ACT

To incorporate the New Brighton Female Seminary, in the county of Beaver.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That there shall be and is hereby established, for the education of female youth, in the arts and sciences and useful literature, a female seminary, in the borough of New Brighton, in the county of Beaver, to be entitled the New Brighton Female Seminary, of which Robert Townsend, M. F. Champlin, John Dukehart, jr. John Winter, James Patterson, T. L. Spear, B. B. Chamberlin, B. R. Bradford and Aaron Williams, are hereby appointed trustees, for the term of one year from the date of this act, and until others are chosen.

Seminary incorporated.
Title.
Trustees.

SECTION 2. That the said seminary, so established, shall be subject to all the provisions and restrictions of the seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth sections of an act passed the sixteenth day of April, Anno Domini, one thousand eight hundred and thirty-eight, entitled "An act to authorise the president judge of the district court of Allegheny county, to hold special courts in Fayette county in certain cases, and for other purposes."

7th 8th 9th
10th 11th
12th and 13th
sections of act
of 16th of
April 1838
extended to
this act.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twelfth day of June, Anno Domini eighteen hundred and forty.

DAVID R. PORTER.

[No. 247.]

A N A C T

To incorporate an Academy at Clarion, in Clarion county.

Academy in incorporated. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That an academy for the education of youth in useful arts, sciences and literature, shall be established at Clarion, in Clarion county, by the name and style of "The Clarion Academy."

Trustees. SECTION 2. The first trustees of said academy shall be Amos Williams, Hugh McGuire, Lindsay C. Pritner, Robert Potter, George B. Hamilton, Peter Clover, Senior, John H. Grove, William B. Fitzhugh, and Charles Evans, which said trustees, and their successors to be elected as hereinafter directed, shall be a body corporate and politic, by the name, style and title of "The Clarion Academy," and by the same name shall have perpetual succession, and be able to sue and be sued, and shall be capable in law and equity to take, hold and dispose of, for the use of said academy, lands, tenements, hereditaments, moneys, goods and chattels of whatever kind, and to erect such public buildings as may be necessary, and generally to do all things for the well being of said academy, which such corporations may rightfully do.

Seal. SECTION 3. The said Clarion academy shall have full power to use one common seal, and to alter and renew the same at pleasure.

Classification of trustees. SECTION 4. The said trustees shall hold their first meeting on the first Monday in July next, after the passage of this act, and shall there divide themselves into three equal classes: the seats of the first class shall be vacated on the first day of November, Anno Domini, eighteen hundred and forty-one, of the second class at the expiration of one year from that time, and of the third class at the expiration of the second year from said date, so that one third may be chosen annually.

Annual election of trustees. SECTION 5. The qualified electors of Clarion county shall, in the year eighteen hundred and forty, and annually thereafter, at the general election in said county, elect three reputable citizens of said county as trustees of said academy, and each vote for said trustees shall contain three names.

Quorum. SECTION 6. Said trustees and their successors, any five of whom shall constitute a quorum, shall by the style and title

aforesaid, have power to make and enact ordinances and by-laws for the government of said academy, to appoint as teachers, principals and tutors, and remove the same; to regulate their times of meeting and the mode of calling special meetings, and to appoint all officers necessary and proper for the government of the board of trustees and management of the affairs of the corporation; to define the titles, duties and terms of services of said officers, determining all matters and things necessary to the good order and well being of the same. By-laws.
Appoint officers.

SECTION 7. The trustees of said academy shall annually, in the month of January of each year, elect by ballot one of their number treasurer, who shall give bond to said academy, with sufficient security, to be approved of by at least two of the judges of the court of Quarter Sessions of Clarion county, conditioned for the faithful performance of the duties of his office, and for the faithful appropriation of moneys received from the commonwealth or from others, agreeably to the law and ordinances of said academy, and said treasurer shall annually, in the month of December, publish in one or more newspapers of said county, a full account of the fiscal affairs of said academy, and shall receive such compensation for his services as said academy shall by ordinance allow. Treasurer give bond.
To publish annual statements.

SECTION 8. All by-laws, ordinances and proceedings of said academy shall be fairly and regularly entered in a book, to be kept for that purpose, and no misnomer of said corporation shall defeat any gift, grant or bequest to the same, where the intention of the grantor or deviser shall sufficiently appear on the face of the conveyance. Misnomer.

SECTION 9. The sum of two thousand dollars shall be paid by the treasurer of this commonwealth to the treasurer of said academy; for the purpose of purchasing a lot of land for erecting suitable buildings, and purchasing such astronomical, geographical and mathematical apparatus as may be necessary for said academy, and any number of poor children of said county, not exceeding four at any one time, shall have full privilege gratis of the benefits derived from said academy, for the purpose of education. \$2,000 to be paid by treasurer of commonwealth for use of academy.
To educate four poor children gratis.

SECTION 10. All vacancies which shall or may happen in the office of treasurer of said academy, shall be supplied by appointment of the court of Quarter Sessions of one of the trustees of said academy, who shall give bond as aforesaid, and continue in office until the annual election of treasurer, as herein provided. Vacancies.

WM. HOPKINS,
Speaker of the House of Representatives.
EB. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The twelfth day of June, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 248.]

A N A C T

To incorporate St. Peters' Church, in the borough of Uniontown, Fayette county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Dawson, Mathew Irwin, L. W. Stockton, William P. Wells, William Walker, William Austin, and William B. Roberts, be and the same are hereby created and erected into one body politic and corporate, in deed and in law, by the name, style, and title of St. Peters' Episcopal Church, of the borough of Uniontown, in the county of Fayette, and by the same name shall have perpetual succession, and be able to sue and be sued, implead and be impleaded; and shall be able and capable to take and hold lands and tenements, goods and chattels, real, personal, and mixed, which are now or may hereafter become the property of said church or body corporate, by gift, grant, devise, bequest, or otherwise, and the same to convey, lay out, apply, or dispose of in such manner as a majority of the trustees of the said church shall direct and appoint, and according to the true intent of donors, grantors, and devisors; and the yearly value or income of the real, personal, and mixed estate of said church shall not, at any time, exceed the sum of two thousand dollars, exclusive of annual stated contributions.

SECTION 2. That John Dawson, Mathew Irwin, L. W. Stockton, William P. Wells, William Walker, William Austin, and William B. Roberts, be trustees of said church, to be continued in office for one year, or until others are chosen, in such manner, time, and place, as shall be determined by a majority of the members of the said church.

SECTION 3. That the said trustees shall choose by ballot from among their number a president and secretary, and shall also choose a treasurer, who shall, if required by the trustees, give security for the faithful performance of the trust reposed in him, and to account to them for all sums of money received by him; and in case of the removal of the president, or of any of the trustees, or other officer of the board of trustees, by death, resignation, or neglecting to attend the meeting of the said board twice in succession, without good cause, or

Corporators.

Name style &
title.

Privileges.

Trustees.

Officers.

otherwise, the vacancy or vacancies shall be supplied by said board until the next annual election.

SECTION 4. That the trustees, and their successors, shall have full power to make and to use one common seal, and the same to alter and renew at pleasure; to enact and enforce such by-laws and ordinances as may be proper and necessary for the regulation and transaction of the business of the corporation; to change the time for holding the annual meeting for electing trustees, from time to time, as they may find convenient; or if the church neglect to elect on the day of the annual meeting, appoint any subsequent time on which said election shall be held: *Provided*, That notice thereof be given from the pulpit, or in such manner as a majority of the trustees may direct, at least two weeks before said election: *And provided, also*, That said by-laws and ordinances shall not be inconsistent with the constitution and laws of this State, or of the United States.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twelfth day of June, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 249.]

A N A C T

To incorporate the Lutheran and German Reformed Church, at Wellersburg, in Somerset county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the members of the Lutheran and German Reformed church, at Wellersburg, in the county of Somerset, be and the same are hereby created and erected into one body politic and corporate in deed and in law, by the name, style and title of the Lutheran and German Reformed church at

Incorporated.

Name & style.

Privileges. Wellersburg, Southampton township, in the county of Somerset, and by the same name shall have perpetual succession, and be able to sue and be sued, implead and be impleaded, and shall be able and capable to take and hold lands and tenements, goods and chattles, real, personal and mixed, which are now or may hereafter become the property of said congregation or body corporate, by gift, grant, devise, bequest or otherwise, and the same to convey, lay out, apply or dispose of in such manner as the trustees of the said congregation shall direct and appoint, and according to the true intent of donors, grantors and devisors, and the yearly value or income of the real, personal or mixed estate of said congregation shall not at any time exceed the sum of three thousand dollars, exclusive of annual stated contributions.

Yearly income limited.

Officers- SECTION 2. That Charles Uhl and Samuel Gaumer, members of the Lutheran, and Peter Reiber, and John Kennek, members of the German reformed side of said church, be trustees to continue in office for one year and until others be chosen, in such manner, time and place as shall be determined by a majority of the members of said church.

Trustees. SECTION 3. That the said trustees shall choose by ballot from among their members a president, also from among the members of said church a secretary, and in case of the removal of the president or any of the trustees, or of any other officers of the board of trustees, by death, resignation, neglecting to attend the meetings of said board twice in succession without good cause, or otherwise, the vacancy or vacancies shall be supplied by the said board until the next annual election.

Treasurer. SECTION 4. That the members of said church shall choose by ballot at each annual election for trustees, from among their number, a treasurer, who is a member of said church, and who shall, if required by the trustees, give security for the faithful performance of the trust reposed in him, and to account to said trustees for all sums of money received by him.

To give security.

Seal. SECTION 5. That the trustees and their successors shall have full power to make and to use one common seal, and the same to alter and renew at pleasure; to enact and enforce such by-laws and ordinances as may be necessary and proper for the regulation and transaction of the business of the corporation; to change the time for holding the annual meeting for electing trustees, from time to time as they may find convenient, or if the congregation neglect to elect on the day of the annual meeting, appoint any subsequent time on which said election shall be held; *Provided*, That notice thereof be given from the pulpit or in such other manner as a majority of the trustees may direct, at least two weeks before said election: *And provided, also*, That said by-laws and ordinances shall

By-laws.

Proviso.

2d Proviso.

not be inconsistent with the constitution or laws of this State or of the United States.

WM. HOPKINS,
Speaker of the House of Representatives.
 E. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The twelfth day of June, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 250.]

AN ACT

To create a new division, to be called the seventeenth division of the Pennsylvania Militia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the counties of Crawford, Erie, Venango and Warren, shall be a separate division, to be called the ^{Seventeenth} ^{Military divi-} ^{sion composed} ^{of Crawford,} ^{Erie, Venan-} ^{go and War-} ^{ren counties.} ^{seventeenth} division of the militia of this commonwealth, and the Major General and Brigadier Generals of the sixteenth division, or a majority of them, are hereby authorized and required as soon as conveniently may be, to divide the said sixteenth and seventeenth divisions into suitable brigades under the provisions of the second section of the act of the second of April, one thousand eight hundred and twenty-two, entitled, an act for the regulation of the militia of this commonwealth, which they shall give notice to the Brigade Inspectors of the said sixteenth division, who shall order an election to be held on the third Friday in September next, for the election of officers for said division and brigades, to be conducted under the provisions of the existing laws of this commonwealth: ^{To be divided} ^{into suitable} ^{brigades.} ^{Notice of elec-} ^{tion when} ^{held.} ^{Provido.} *Provided,* That the Brigade Inspectors, now in office in said sixteenth division, shall hold their offices and continue to be Brigade Inspectors of the respective brigades in which they shall reside, when the said divisions, into brigades, shall take place under the provisions of this act.

Jackson
Guards ex-
empt.

Proviso.

SECTION 2. That from and after the passage of this act, the volunteer company called Jackson Guards, in the county of Northampton, shall be exempted from parading or drilling with any regiment or battalion of Militia, except at the discretion of the members of said company: *Provided*, That the said company shall meet the number of days required by law, in their company capacity.

Bonds given
for state arms
cancelled.

School direc-
tors accepting
districts pow-
er to levy tax
for school year
1841.

SECTION 3. That the Brigade Inspector of the second brigade, sixteenth division, be and is hereby directed to deliver up and cancel the bonds given by the members of the Lexington Light Infantry, the Fairview Light Infantry, and the Elk Creek Light Infantry of Erie county, for state arms, on their delivering to the said Brigade Inspector the arms now in the possession of said companies.

SECTION 4. That the school directors of the accepting districts, be and they are hereby authorized to determine upon the amount of tax necessary for school purposes for the school year 1841, and proceed to levy and apportion the same at any time before the first of August, 1840.

Directors of
the Southern
Loan com. of
Phila. contin-
ued as direc-
tors.

SECTION 5. That the present directors of the Southern Loan Company of Philadelphia, be and are hereby continued as directors of the Southern Insurance and Trust Company of Philadelphia, until the second Monday of January, Anno Domini, one thousand eight hundred and forty-one, at which time and thereafter annually, the said company shall elect thirteen stockholders, holding at least five shares of stock, to serve as directors of the said company.

6th and 7th
sections of act
27th May
1840 repealed

SECTION 6. The sixth and seventh sections of the act, entitled a supplement to the act, entitled an act to enable the Governor to incorporate a company for making an artificial road, beginning at the intersection of Vine and Tenth streets, Philadelphia, and thence to Perkiomen bridge, in the county of Montgomery, passed March thirtieth, eighteen hundred and eleven, approved May twenty-seventh, eighteen hundred and forty, be and the same are hereby repealed, and the provisions of the said act of May twenty-seventh, eighteen hundred and forty, shall have the same force and effect from the passage of this act, as if accepted agreeably to said sixth section.

Wm. Hughes
Montgomery
co. convicted
of bastardy to
pay weekly al-
lowance

SECTION 7. That William Hughes, of Towamensing township, Montgomery county, who was convicted in the court of Quarter Sessions of said county, at November sessions, eighteen hundred and thirty-seven, of being the reputed father of a bastard child, born of Sarah White, and sentenced by the said court to pay to her a weekly allowance or sum for the maintenance of said child, be and he is hereby authorized and required, from time to time, to pay such sum or allowance in advance for any time not less than six months, nor more than one year, to the clerk of said court, or to a justice of the peace residing in said township, who shall on demand pay the same

to the person or persons entitled thereto, agreeably to said sentence, and the payments so made to said clerk or justice shall exonerate and discharge the said William Hughes from such sum or allowance, for the time for which said payments shall have been made, and from all actions and proceedings for or on account thereof during such time: *Provided*, the said William Hughes shall, within five days after making any such payment to said clerk or justice, give notice thereof to the persons entitled to said sums or allowance.

SECTION 8. That the Adjutant General be, and he is hereby required to report to the legislature at its next session, a plan for the erection of a new State Arsenal, to be erected at some convenient place in the county of Philadelphia, and an estimate of the cost of building the same, and that he be further authorized to receive proposals for the purchase of the present State Arsenal in the city of Philadelphia, and to enquire whether the public property now deposited there can be received and kept in the United States arsenal, in the county of Philadelphia, during the time occupied in the erection of the new State Arsenal, should the legislature hereafter determine to build the same.

SECTION 9. That the marriage contract entered into by and between Andrew V. S. Amermon, and Massy Amermon his wife, late Massy Leonard, both of the county of Lycoming, be and the same is hereby annulled and made void, and the parties released and discharged from the said contract, and from all duties and obligations arising therefrom, as fully and effectually and absolutely, as if they had never been joined in marriage.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twelfth day of June, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 251.]

AN ACT

Regulating Election Districts, and for other purposes.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the qualified voters of the township of Cumberland Valley, in the county of Bedford, shall hold their general elections at the new school-house erected on land of the heirs of John Whip, in said township.

Election dist.
Cumberland
Valley town-
ship Bedford
county.

SECTION 2. The qualified voters of the township of Walker, in the county of Centre, shall hold their general and special elections hereafter at the school-house in Hublerburg.

Centre co.
Walker tsp.

SECTION 3. The general and special elections for the township of Dallas, in the county of Luzerne, shall hereafter be held at the public house of Miles C. Orr, in the viliage of M'Lellonsville, in said township.

Luzerne co.
Dallas tsp.

SECTION 4. That the electors of Snow Shoe township, Centre county, shall hold their general and township elections at the school-house, which is situated on the Milesburg and Smethport turnpike road, near the roads which leads to Clearfield county, and adjoining the farm of Samuel Askey, in said township.

Centre co.
Snow Shoe.

SECTION 5. That the eighty-eighth section of the act of the general assembly of this commonwealth, entitled "An act regulating election districts, and for other purposes," approved the fourteenth April, one thousand eight hundred and forty," which provides for the removal of the place of holding the general election for the township of Menallen, in the county of Adams, from the place where it had previously been held to the house of Charles Myers, in Bendersville, in said township, be and the same is hereby repealed; and the said election shall hereafter be held at the same place as formerly, to wit: at the public house of John Burkholder, (formerly Miss Hapkes.)

Adams co,
Menallen tsp.

SECTION 6. That in addition to the rights, privileges and powers granted to the borough of Butler, in the county of Butler, by the act entitled an act to incorporate the town of Milton, in the county of Northumberland, and the town of Butler in the county of Butler, into boroughs, it shall be lawful for the qualified voters of said boroughs, at the time and

Borough of
Butler to elect
three auditors,
annually

place of holding the borough election for the year one thousand eight hundred and forty, and annually thereafter, to elect three persons as auditors of the public accounts of said borough, and it shall be the duty of the said auditors within the month of February of every year, for which they shall have been elected to settle and adjust the accounts of the town council and school directors, and make report of the same to the town council, which shall be filed by the clerk of said council, with the books and papers of incorporation, for the inspection of all concerned; and it shall be the duty of the first elected auditors, in the month of April, immediately after their election, to settle and adjust the accounts of the school directors of said borough from the passage of the present general school law up to that time, and make report of the same in the manner above directed.

SECTION 7. That the farms of Philip Hilgard and John Davison, situated within the limits of the borough of Milton, in the county of Northumberland, bounded on the north by lands of David Miller, on the east by lands of Philip Foust, south by lands of Robert H. Hammond, and on the west by the West Branch of the river Susquehanna, &c. containing two hundred and fifty acres, more or less; also the farm of David Miller, now in the occupation of the said David Miller, and John Davison, situated in said borough, bounded on the north by Ferry Alley, in said borough, on the east by the Sodom road, south by land of Philip Hilgard, and west by the West Branch of the river Susquehanna, containing one hundred and fifty four acres and allowance, &c., also the farm of Fleming M. Pollock, situated in said borough, bounded on the north by lands of Alem Marr, on the east by lands of Jacob Hower, John Sample, and John Stadden, on the south by the Washington road, and on the west by the town lots of said borough and the West Branch canal, containing one hundred and thirty acres, more or less, and also the farm of William McCleery, situated as aforesaid, bounded on the north by lands of Alem Marr, on the east by the West Branch canal, south by Locust street, in said borough, and west by the river Susquehanna, containing thirty-five acres and allowance, be and the same are hereby separated, excluded from and taken out of the limits of the said borough of Milton, and attached to and made part of the townships to which they heretofore, to wit: before their annexation to said borough respectively belonged, and that so much of the act incorporating said borough and its supplements as relate to said farms, be and the same are hereby repealed.

Repeal of former acts.

SECTION 8. That at the next annual election for school directors in the different school districts in this commonwealth, it shall be lawful for the qualified citizens residing in the borough of Alexandria, in Porter township, Huntingdon county, to elect a board of school directors from among

Huntingdon co. borough of Alexander to elect board of school directors.

To be a separate school district.

Fayette co.
Franklin tsp.

the qualified citizens, as aforesaid; and from and after such election, the said borough of Alexandria shall be and remain a separate and independent school district from said township of Porter, as fully and effectually as if said borough had been originally created an independent school district.

SECTION 9. That the thirty-seventh section of the act regulating election districts, approved the fourteenth day of April, one thousand eight hundred and forty, be and it is hereby repealed; and the qualified electors of Franklin township, in Fayette county, are hereafter required to hold their general and township elections at the house of John Dunn, in said township.

Lehigh co.
South Whitehall tsp.

SECTION 10. That the township elections in the township of South Whitehall, in Lehigh county, shall hereafter be held at the house of John Sharer, in said township.

Phia. co.
Kingsessing township.

SECTION 11. That the electors of the township of Kingsessing, in the county of Philadelphia, shall hereafter hold their general elections at the public house, known as the Blue Bell Inn, in said township and county.

Lycoming co.
Limestone drs

SECTION 12. That the general election in the township of Limestone, in the county of Lycoming, shall hereafter be held at the house of Peter Epler, in said township and county.

Lebanon co.
Jackson tsp.

SECTION 13. That the eighty-ninth section of the act entitled "An act regulating election districts, and for other purposes," passed April fourteenth, one thousand eight hundred and forty," be and the same is hereby repealed; and the qualified electors of the township of Jackson, in the county of Lebanon, shall hereafter hold their general election where it was holden before the passage of the above act.

Greene co.
Cumberland tsp.

SECTION 14. That from and after the passage of this act, it shall be lawful for the qualified voters of the township of Cumberland, in the county of Greene, to hold their general election at the house now occupied by James Cain, in Carmichaeltown, in said township.

Phila. co Lake street vacated.

SECTION 15. That Lake street as surveyed and laid down on the plan of the survey of the first division of the Kensington District of the Northern Liberties, in the county of Philadelphia, be and the same is hereby vacated.

Lycoming co.
Limestone tsp
to levy school tax.

SECTION 16. That the directors of the common schools in the township of Limestone, county of Lycoming, be and they are hereby authorized and empowered to levy and collect a tax for common school purposes for the present year, which assessment or levy of said tax may be made at any time previous to the next annual election for directors of common schools in said township. And the election held in said township on the thirteenth day of March last, at which election the qualified citizens of said township determined to accept the provisions of the several acts of Assembly relative to common schools, shall have the same force and effect as if

said acceptance had been agreed upon on the day prescribed by law.

SECTION 17. That the electors of Shrewsbury township, in the county of Lycoming, shall, hereafter hold their general election at the house now in the occupancy of John Taylor, ^{Lycoming co. Shrewsbury twp.} in said township.

SECTION 18. That the inhabitants of that part of Columbia township, in Bradford county, lately annexed to Troy township by the court of Quarter Sessions of said county, shall hold their general elections at the place now appointed by law for holding the general elections of the other parts of the said township of Troy. ^{Columbia tsp. Bradford co.}

SECTION 19. That the qualified voters residing within the bounds of Monroe township, in the county of Bedford, shall hereafter hold their general township and special elections at the house of David Evans, in Clearville, in said township. ^{Bedford co. Monroe tsp.}

SECTION 20. That the act of Assembly which formed Sideling Hill election district, out of the east part of Southampton township, in said county, be and the same is hereby repealed; and the qualified electors residing within the said district, not included in Monroe township, shall hereafter vote at the same place where the other electors of Southampton township hold their general township and special elections. ^{Sideling Hill election dist't repealed.}

SECTION 21. That so much of the twenty-sixth section of the act of nineteenth of March, eighteen hundred and thirty-eight, entitled an act to incorporate the Monument Cemetery of Philadelphia, and for other purposes, as restricts the borough constable of the borough of Schellsburg, in the county of Bedford, in the exercise of his powers and duties to the borough of Schellsburg, and the township of Napier, be and the same is hereby repealed; and the said constable of the borough of Schellsburg, shall have, possess and exercise all the powers and duties and jurisdiction, and to the same extent as other constables in the several townships in the county of Bedford, and other counties in this commonwealth. ^{Bedford co. part of 26th section of act of 19th March 1838 repealed Powers extended.}

SECTION 22. That the qualified voters of the borough of Honesdale and Bethany, in the county of Wayne, shall on the third Friday in February next, elect three persons to serve as borough auditors, one to serve one year, one two years, and one three years, and annually thereafter one to serve three years, whose duty it shall be to audit and settle the accounts of the overseers of the poor, of the directors of common schools, and the town council of said borough, and of such other borough officers as may by law be referred to them, and shall have like powers, and be subject to the same restrictions as are now provided by law for the government of the actions of township auditors. ^{Wayne co. borough of Honesdale & Bethany to elect three auditors.}

SECTION 23. The electors residing in the borough of Marietta, in the county of Lancaster, shall hereafter hold the elec- ^{Lancaster co. Mariatta.}

tion, authorized by the act of February 6th, 1815, entitled "an act for the election of a constable in the borough of Marietta, in the county of Lancaster," at the public school house in said borough.

Competency
of witnesses.

SECTION 24. No citizen of the borough of Marietta, in the county of Lancaster, shall be precluded from being a witness in any suit where the corporation is a party, in consequence of his having been assessed or paid a tax in said borough.

Delaware co.
Haverford tp.

SECTION 25. That the electors of the township of Haverford, in the county of Delaware, shall hereafter hold their general and special election at the house of Andrew Steel, in the said township.

Bedford co.
Napier and
Londonderry
tsp.

SECTION 26. That the qualified voters of Napier and Londonderry townships, in Bedford county, residing within the following bounds, viz : beginning at the top of Kinton's Knob, on the Bedford and Napier township line ; thence to the bridge south of John Kinton's ; thence up the Raystown branch to John Mowrey's farm ; thence up the Dry run to the Somerset county line, so as to include John Kelly's farm ; thence along said line to the dividing ridge in Londonderry township, between Tarwater run and Wolf's Camp run, and thence from the point of the ridge, at Adam Smith's farm to Swaggert's Gap, to the Napier line, so as to include John Kellerman's house, and exclude the house of Jacob G. Devore, and thence along the Napier township line to the place of beginning, shall hereafter hold their elections at the school house west of John Metzgar's.

Dauphin co.
Lower Swata-
ra tsp. to form
part of Swata-
ra.

SECTION 27. That that part of Lower Swatara township, in the county of Dauphin, north of straight lines to be run by the supervisors of the townships of Swatara and Lower Swatara, at the expense of said townships, commencing at the residence of Daniel Smith ; thence to Peter Roop's ; thence to Christian Good's fulling mill, and thence to the residence of Samuel Neidig's, shall hereafter form a part of Swatara township, that the election of school directors elected in the township of Swatara ; on the third Friday in March last, is hereby made legal, and that so much of the resolution passed on the eighteenth day of March, one thousand eight hundred and forty, as is hereby altered is repealed.

Repeal.

Bedford co.
McConnells-
burg borough.

SECTION 28. That the school directors of the McConnellsburg borough school district, in Bedford county, may lay a tax for school purposes, at any time before the first day of August next, if they think proper, to have the same effect and be collected in the same manner as if the tax had been laid in every respect, as is directed to be pursued in the school laws of this commonwealth.

Susquehanna
co. Rush tsp.

SECTION 29. That the general elections in the township of Rush, in the county of Susquehanna, shall hereafter be held at the house of Alanson Lung, in said township and county.

SECTION 30. That the general elections in the township of ^{Luzerne co.} Huntingdon, in the county of Luzerne, shall hereafter be held ^{Huntingdon} at the counting house of George Bowman, in said township ^{township.} and county.

SECTION 31. That the territory contained within the following boundaries, in the township of Lykens, in the county of Dauphin, shall hereafter form a separate school district, ^{Dauphin co.} viz: Commencing on the Wisconisco township line to a ^{Lykens tsp.} point where a line drawn due east from the dwelling house of Jacob Landenshlager strikes the same; thence running north-eastwardly to the dwelling house of George Meyer, in- ^{Boundaries.} cluding the same; from thence in a line westwardly to Jacob Kissinger's buildings, including the same; from thence west, bearing southwardly to Christian Esterling's dwelling house, including the same; from thence south-westwardly to Michael Wilver's dwelling house, including the same; from thence south to the Wisconisco township line, to the first mentioned point; which said district shall be subject to, and receive all the benefits from the laws now in force relative to common schools.

SECTION 32. All that part of Rockhill township, in the county of Bucks, lying east of the point in the township ^{Bucks co. part} line between the township of Hilltown and Rockhill, in ^{of Rockhill tp.} a direct line with the road leading past Jacob Dill's farm, to the ^{to be called} Branch road in said Rockhill township; thence along said road in a north-western direction, to the Ridge road; thence northwardly in a straight line until it strikes the township line in the road between the said township of Rockhill and the township of Richland, directly opposite the house of Abraham Heller, of said Richland township, is hereby erected into a separate election district, to be called "East Rockhill," and to hold their general election at the public house now ^{Repeal of former acts.} occupied by Jacob Worman; and all the laws heretofore passed in relation to the boundary line of East Rockhill, be and the same are hereby repealed.

SECTION 33. The commissioners named in the fifth section of the act entitled "An act to provide for the repairs, and to continue the improvements of the State, and for other ^{Commrs. named in 5th} purposes," passed April fourteenth, one thousand eight hundred and thirty-eight," or appointed agreeably to said act; to ^{section of act} receive and expend the money appropriated by said section; ^{of 14th April} to improve the State road laid out in pursuance of the sev- ^{1838 to per-} enth section of the act entitled "An act relative to the laying ^{form certain} out of a certain State road from Currinsville, Clearfield county, through the towns of Indiana and Saltzburg, in Indiana county, and through Westmoreland county to East Liberty, in Allegheny county, and for laying out certain other State roads, and for other purposes," passed April sixteenth, one thousand eight hundred and thirty-eight," who have received the said

To whom to
be paid.

Penalty.

How recover-
ed.

Former acts
repealed.

Canal com'rs.
to examine
claim of John
Webster for
damage done
by fire &c.

Authority to
purchase
dwelling
house for col-
lector.

Assent of Pa.
to act of Ohio.
Gov. of Pa. to
appoint one
director of
Ohio two.

State Library
\$400 appro-
priated.

appropriation, or any part thereof, are hereby directed and required, within thirty days after demand, to pay five hundred dollars of the amount of the said appropriations to Joseph Thomas, Henry Kerr, and Levy Roberts, to be by them expended in improving that part of said State road lying within the county last mentioned in the said seventh section, or paid and appropriated in such manner, and for such purposes as may be directed by law; and in case the said commissioners shall neglect or refuse to pay the said five hundred dollars of the amount of the said appropriation, as herein directed, the same may be recovered from the said commissioners, or such of them as have received the same, or any part thereof, by the persons hereby appointed to receive the same, in the same manner as debts of the same amount are recoverable; and so much of said acts as are hereby altered or supplied, are hereby repealed.

SECTION 34. The Canal Commissioners are hereby authorized and required to examine into the condition and situation of the barn of John Webster, situate in Downingtown, Chester county, near the Philadelphia and Columbia rail road, and also his dwelling-house near the same, and if they shall be of opinion that the said barn is liable to injury or destruction by fire from the locomotives running on said road, they are hereby authorized to remove and rebuild the same at a proper distance from said road, or contract with the said John Webster to remove and rebuild said barn, for such sum as they may think right; and the expense of such removal and rebuilding shall be paid out of the damage fund, and if a building is necessary for an office or a dwelling-house for the collector at Downingtown, and the said commissioners, if they are of the opinion that the said dwelling-house would be suitable for said purposes, they are hereby authorized to purchase the same for the purpose aforesaid, if the parties can agree on the price, and take a conveyance for the use of the commonwealth, and the purchase money shall be paid out of the damage fund.

SECTION 35. The assent of the State of Pennsylvania is hereby given to the provisions of the first section of the act of the Legislature of the State of Ohio, entitled an act to regulate elections in rail road, turnpike, and slack water navigation companies, where the State is a stockholder, and the Governor of the commonwealth of Pennsylvania is hereby authorized, annually, to appoint one director; and the Governor of the State of Ohio two directors, in the Pennsylvania and Ohio canal company; and the Governor of this state shall transmit a certified copy of this section to the Governor of the State of Ohio.

SECTION 36. The sum of four hundred dollars is hereby appropriated to the use of the State Library to purchase fix-

ures and furniture for the same, to be paid by warrants drawn on the State Treasurer in the usual manner.

SECTION 37. The State Treasurer is hereby required to pay to the Secretary of the Commonwealth the sum of one hundred and ninety-five dollars, the amount due to him for expenses incurred in printing and distributing the election laws, and the said treasurer is hereby also authorized and required to pay the deficit in the contingent fund of the office of the Secretary of the Commonwealth, for the year ending April first, one thousand eight hundred and forty, amounting to sixteen hundred and seventy eight dollars and ten cents.

State treasurer
to pay secreta-
ry of com'lt.
expenses of
printing elec-
tion laws.
To pay deficit
contingent
funds.

SECTION 38. The sum for clerk hire in the office of the Secretary of the Commonwealth shall be eight hundred dollars in addition to the sum now provided by law, to enable him to employ an additional clerk in said office.

\$800 for clerk
hire secretary's
office.

SECTION 39. That the equity jurisdiction of the Supreme court, within the city and county of Philadelphia, and of the court of Common Pleas for said county, shall be extended to all cases arising in said city and county, over which courts of Chancery entertain jurisdiction on the grounds of fraud, accident, mistake or account.

Equity, juris-
diction of Su-
preme Court
& Court of
Common
Pleas in the
city & co. of
Phila. exten-
ded.

SECTION 40. That the time fixed by the third section of the act, entitled an act to incorporate the President and Managers of the Uniontown and New Alexandria Turnpike Road company, passed 2d July, 1839, for organizing said company, be and the same is hereby extended until the first day of September, one thousand eight hundred and forty one.

Time extend-
ed for organi-
zing Union-
town & New
Alexander
turnpike com.

SECTION 41. That so much of the twenty-sixth section of an act, passed the sixteenth day of April, one thousand eight hundred and thirty-eight, a supplement to the act, entitled an act to erect Shirleysburg, in the county of Huntingdon, New Hope in the county of Bucks, and Hamburg in the county of Berks, into boroughs, and for other purposes, as provides that no ship or vessel arriving from any port in the United States, at the port of Philadelphia, shall be subject to detention at the Lazaretto, unless the Board of Health and Board of Wardens, in joint meeting, shall have determined that the port or place is infected with malignant, contagious disease, be and the same is hereby repealed.

Part of 26th
section of act
of 16th April
1838 repealed

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The thirteenth day of June, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 252.]

AN ACT

To promote the culture and manufacture of Silk, and for other purposes.

Preamble.

WHEREAS it has been satisfactorily demonstrated, that the climate and soil of this commonwealth are well adapted to the culture of the Mulberry and the production of Silk: *And whereas*, it is expedient that all proper encouragement and facilities should be afforded to those disposed to engage in the culture and manufacture of new and valuable staples: Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That when it shall be proved to the satisfaction of the Governor, that a company of individuals has associated

When a company has associated & complied with certain conditions Gov may issue letters patent.

together for the cultivation of any species of mulberry and the production and manufacture of silk, or for the establishment of a filature or other manufactory of silk, or for the manufacture of silk machinery, or for any one or all of said objects, in any county of this commonwealth, he is hereby authorized and required to issue his letters patent, under the great seal of the state, constituting the individuals so associated, and their successors, a corporation in law, to be known by such name as the individuals so associated shall select, who shall thenceforth have power to cultivate mulberry trees and produce and manufacture silk, establish a filature or other manufactory of silk, or for the manufacture of silk machinery as aforesaid, and the proceeds thereof, to vend or dispose of; and under the said name such companies may sue and be sued, plead and be impleaded, have a common seal, perpetual succession, full power to make by-laws for the organization and management of the company and its concerns, and enjoy all the rights and be subject to all the duties and liabilities usual to corporate bodies; the granting of land which any such company may hold at any one time shall not exceed five hundred acres, nor shall the capital stock thereof exceed one hundred thousand dollars.

Privileges.
Seal.

No of acres of
not to exceed
500.

How company to be managed.

SECTION 2. Every such company incorporated as aforesaid shall be managed as the articles of association shall prescribe, which articles a majority of the stockholders may from time to time alter or amend, as they may think proper; and in order that a more general knowledge of the cultivation, pro

duction and manufacture aforesaid may be disseminated, any such company may cultivate a farm, and establish a school for the instruction of youth and others who may desire it, in the whole art and mystery of all or either of said branches of business, and may or may not connect therewith literary and scientific instruction: *Provided*, That said articles of association, before the granting of any charter, and any alterations afterwards made therein, shall receive the sanction of the judges of the court of Common Pleas of the proper county: *And provided farther*, That the funds of the company authorized as aforesaid shall not be used for banking purposes.

Duties.

Proviso.

2d Proviso.

SECTION 3. The act approved the fourth day of May, eighteen hundred and thirty-two, entitled an act to promote the culture of silk, and the supplement thereto, approved the twenty-ninth of March, eighteen hundred and thirty-six, shall be and the same are hereby repealed. And the legislature reserves the right to alter, amend or repeal all or any of the charters to be granted as aforesaid, whenever the same may be deemed expedient, in such manner however as to do no injustice to the corporators.

Acts of 4th of

May 1832 and

supplement of

29th March

1836 repealed.

Repeal.

SECTION 4. That from and after the first day of January next, no person shall kill in the counties of Delaware and Lancaster, any pheasant, partridge, woodcock, or rabbit between the first day of January and the twentieth day of September, in each and every year.

Limit for killing game in -

Delaware and

Lancaster co's

SECTION 5. No person shall at any time wilfully destroy the eggs or nest of any pheasant, partridge or woodcock within the said county.

SECTION 6. No carrier, huckster, victualler or innkeeper shall have in his or her possession, or buy, or cause to be bought or carry out of the said counties for the purpose of supplying any market, any pheasant, partridge, woodcock or rabbit, unless they shall have been taken in the proper season.

Purchase &c.

SECTION 7. Any person or persons offending against any of the provisions of this act, on conviction thereof before any justice of the peace, shall forfeit and pay for every such offence a fine of five dollars, and all costs and charges; one half of the fine for the use of the informer, and the other half for the use of the directors of public schools of the township where the offence may have been committed, to be by them applied to public education.

Penalty.

SECTION 8. That from and after the passage of this act it shall not be lawful for any person or persons to entrap wild turkeys by snares or pens in the county of Perry, and any person offending against the provisions of this act shall, on conviction thereof, before any justice of the peace of the said county or counties adjoining, shall be subject to a fine of five dollars, besides all costs and charges, recovered by suit before such justice; the one half to be for the use of the informer or

Wild turkeys

not to be en-

trapped in

Perry county.

Penalty. informers who shall prosecute for the same, and the other half for the use of the county.

SECTION 9. That the act entitled an act to encourage the destruction of foxes and wild cats in the counties of Lebanon, Luzerne, Wayne, Pike, Monroe, Susquehanna and Tioga, approved the sixteenth day of April, Anno Domini, eighteen hundred and thirty-eight, be and the same is hereby repealed, so far as it encourages the destruction of foxes in Susquehanna county, and that so much of any act as is hereby altered or supplied, be and the same is hereby repealed.

SECTION 10. That from and after the passage of this act, if any person or persons shall take or kill any pike or pickerel in Saw-Kill, Brush, and Log Tavern ponds or lakes, in Pike county, in any other way or manner whatsoever, other than by hook and line, shall, for every fish so taken or killed, be liable to a fine of five dollars, to be sued for and recovered with costs, as in actions of debt before any justice of the peace of said county, by any person or persons suing for the same: one-half of the amount so recovered to go to the benefit of the person suing; the other half to be paid over to the overseers of the poor of the township of Milford aforesaid, for the use of the poor of said township.

Penalty. SECTION 11. That no pike or pickerel shall be taken or killed in said ponds between the fifteenth day of March and the fifteenth day of May, in every year hereafter, until the expiration of four years from the passage of this act, that the fish may be left undisturbed during that season of the year to breed and propagate their kind, any person or persons found taking or killing pike in said ponds or lakes, within the period above named, shall be liable to a fine of ten dollars for each and every offence, to be sued for, recovered, and distributed in the same manner as directed in the preceding section of this act.

Time limited. SECTION 12. That from and after the first day of May next, it shall not be lawful for any person or persons to catch fish in Castleman's river, or its tributary streams, within the county of Somerset, either by placing dams across the same, to fish with still-nets, fish-baskets, fish-pots, or by liming or sledging, unless the whole course of such stream shall be private property; in which case the same may be done with the consent of the owners thereof.

Penalty. SECTION 13. Any person offending against the provisions of this act, shall, on conviction thereof, before any justice of the peace of the said county, forfeit and pay a fine of twenty dollars for the first offence, with all costs and charges; and for the second offence fifty dollars, with like costs and charges, to be recovered by suit, in the name of the commonwealth, before such justice: the one-half to be for the use of the informer or informers, who shall prosecute for the

Fish not to be caught in Castleman's river Somerset co.

same, and the other half for the use of the poor of the township in which the offence was committed.

SECTION 14. That it shall not be lawful for any person or persons to catch, take, or destroy trout in the Kishacoquillas ^{Trout not to be caught in Kishacoquillas creek Mifflin co.} creek, in the county of Mifflin, between the fifteenth of July, in every year, and the fifteenth day of April of the following year, in any way whatever, unless where the course of such stream shall be private property; in which case, the same may be done with the consent of the owners thereof.

SECTION 15. Any person offending against the provisions of this act, shall, on conviction thereof, before any justice of the peace of the said county, forfeit and pay a fine of five ^{Penalty.} dollars for the first offence, with all costs and charges, and for the second offence twenty dollars, with like costs and charges, to be recovered by suit, in the name of the commonwealth, before such justice: the one-half to be for the use of the informer or informers, who shall prosecute for the same, and the other half for the use of the poor of the township in which the offence is committed.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KING-BURY, Jr.

Speaker of the Senate.

APPROVED—The thirteenth day of June, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 253.]

A N A C T

To incorporate a company in the borough of New Castle, to be called the New Castle Fire company, in the county of Mercer, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That William B. Miller, Daniel M'Connell, R. Wallace, G. Barlow, James Mitchell, W. M. Clymonds, J. B. Love, T. M'Cleary, Robert Cochran, William Watson, ^{Company incorporated.}

Name and style. Privileges and franchises.	Warren Carpenter, John Wilson, Jos. T. Boyd, Jacob Baker, R. W. Stewart, James Watson, George Hudson, S. W. Swift, Michael Carman, Alexander Newell, L. L. McGuffin, Johnston Wilson, William Cox, Samuel Cochran, H. R. Greaves, White McMillen, John Frazier, Joshua Logan, John Keck, J. S. Quest, Joseph B. Williams, A. Robinson, William McMillen, Joseph Kissick, and such other persons as now are or may hereafter become members, shall be and they are hereby created and declared to be one body politic and corporate, by the name, style and title of the "New Castle Fire Company," and by the same name shall have continual succession, and be capable in law to sue and be sued, plead and be impleaded, defend and be defended in any court of record or elsewhere, and to make, have and use one common seal, and the same to alter or renew at pleasure, and generally to do, perform or execute all and every matter and thing as to them shall or may appertain to do.
Seal.	
Meetings.	SECTION 2. That the said incorporated company shall assemble and meet at such times and places as they now have or may hereafter agree upon, to establish and put in execution all such by-laws, rules, ordinances and regulations as to them shall seem conducive to the interest of the said company, and necessary to the good government and orderly management thereof, the same not being contrary to this charter, the constitution and laws of the United States or of this commonwealth; and that they are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain to them and their successors, lands, tenements, rents, annuities, or other hereditaments, and the same to grant, devise, alien or dispose of in such manner as they may judge proper: <i>Provided</i> , That the said corporation or body politic shall not at any one time hold or possess property, real, personal or mixed, exceeding the sum of one thousand dollars per annum.
By-laws.	
Proviso.	SECTION 3. That the following shall be the fundamental articles of said company.
Yearly income limited.	ARTICLE I.
Fundamental articles.	Officers. The officers of the company shall consist of a president, vice president, treasurer, secretary, four engineers and five directors, who shall be elected by ballot, at such time as may be provided for in the by-laws.
	ARTICLE II.
	Fines. Each member shall be liable to such fine and contribution as the by-laws may prescribe, and his resignation of membership shall not be accepted until his dues are paid or remitted.
	ARTICLE III.
Of removal & expulsion.	Any member may be removed from office, or expelled from the company for neglect of duty or a violation of the by-laws, by a vote of two-thirds of the members present: <i>Provided</i> , He is afforded an opportunity of making a defence before the company.
Proviso.	

SECTION 4. That the commissioners of the county of Lancaster shall hereafter have power, whenever they may deem it necessary, to require from the collectors of county tax, which are now in office or shall hereafter be appointed, but have not given security for the faithful execution of their appointment, such bail as they shall consider sufficient security for all monies which may or have come into the hands of such collector or collectors, by virtue of his or their appointment, and for a faithful execution of his office in the manner prescribed by law.

Commrs. of Lancaster co. may require security of collectors of tax

SECTION 5. That in cases where collectors of county tax, in the county of Lancaster, have given bail or security, but such bail or security shall, after the appointment of the collector to office, appear to the commissioners of the county of Lancaster to be insufficient, then such commissioners shall have power to require such additional security as they may deem necessary.

Where insufficient bail has been given, commrs. may require additional.

SECTION 6. That whenever the commissioners of Lancaster county shall deem it necessary that bail should be given as aforesaid, by collectors that have given no bail, or that additional bail should be given by collectors, then the said commissioners shall cause a notice to be served upon such collector, requesting him to appear before them at any time after the expiration of ten days from the time the notice is served upon such collector, to shew cause why such bail should not be given; and if such collector appears, or if he fails to appear on the day and time fixed, and after notice has been legally served upon him as aforesaid, and the commissioners shall deem it necessary that bail should be given as aforesaid, then they shall make an order accordingly, and have a copy of such order served upon such collector, and if such collector shall refuse to give such security or additional security as shall be approved of by the said commissioners, within ten days after such notice has been served upon him, the commissioners may, after proof of the legal service of such notice, and after the expiration of the time aforesaid vacate and annul the appointment of such collector, and after doing so to give notice thereof to such collector, and also publish information thereof for at least four weeks, in at least three English and one German newspaper published in the county of Lancaster; and if any payment of taxes shall be made to such collector, after the notice or order as aforesaid has been published for the space of four weeks, the payment of such tax shall be considered null and void.

Notice to be served on collectors to give security.

Upon refusal of collectors to give security commrs. may annul appointment.

Notice and publication of Payment of taxes to collectors.

SECTION 7. That after the appointment of such collector shall be vacated or annulled, as aforesaid, by the said commissioners, and proof that notice thereof had been served upon

Proceedings to obtain war-

warrant and duplicate from collector.

such collector, they may represent the same to the Judge of the Court of Common Pleas of Lancaster county, who at the instance of said commissioner shall grant a rule upon such collector to show cause why he should not surrender to the said commissioners the warrant and duplicate which had been placed in his hands for the collection of taxes, aforesaid, which rule shall be made returnable, not less than ten nor more than fifteen days from the time the same is obtained; and eight days notice at least of the rule and the time and place of hearing shall be given to such collector, and if such collector fails to appear before said court, after proof of legal notice of such rule, the court shall make such rule absolute, and if he appears and the court shall, either upon the confession of the collector or after hearing, decide that the said rule should be made absolute; in either event they shall also make an order that the warrant and duplicate shall be delivered up to the commissioners, and if the collector refuses to comply with such order, the same shall be enforced by the said court by attachment.

Penalty.

Collector after being notified that his appointment has been vacated not to collect taxes.

SECTION 8. That if any collector, as aforesaid, shall after being notified that his appointment and office has been vacated as aforesaid, collect any of the said taxes or county rates or levies mentioned in his duplicate, such collector shall be deemed guilty of a misdemeanor, and upon conviction thereof in the court of General Quarter Sessions of the peace of said county of Lancaster, such collector thus convicted shall be sentenced to undergo an imprisonment in the jail of said county for a term not less than one month and not exceeding six months, and to pay a fine, not exceeding five hundred dollars. Whenever notice is required to be served upon a collector, as aforesaid, such service shall be considered sufficient, if left at the dwelling-house of such collector, and if his place of dwelling is not known, to the commissioners, and if he cannot be found in the county of Lancaster, the service of such notice shall be by publication in three English and one German newspaper for two successive weeks; but in such an event the collector shall be allowed double the time to do any act that may be required of him, as aforesaid, as is allowed in the foregoing section.

Penalty.

Notice.

Where collector refuses to give additional bail.

SECTION 9. That when a collector has given bail, but refuses to give the additional bail as aforesaid, none of the proceedings, as aforesaid, shall in any way release or discharge such bail from the acts of the collector, or in any way impair the obligation of such security, neither shall it affect the liability of the collector in any case whatever, whether bail or security has been given by him or not; and whenever the office of such collector shall be vacated, as aforesaid, the

Comms. may appoint.

commissioners of said county shall fill his place by another appointment.

WM. HOPKINS,
Speaker of the House of Representatives.
 EB. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The thirteenth day of June, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 254.]

A N A C T

To authorize the Lewisburg and Jersey Shore Turnpike Road and Bridge Company, to erect gates and receive tolls, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the president, managers, and company, of the Lewisburg and Jersey Shore turnpike road and bridge company, to erect gates and receive tolls on any part of said road, where two or more miles of the said road are completed, subject, however, to the restrictions and provisions of said act of incorporation, except so far as is hereby altered in regard to the distance of said road, which must be first made before any gates are erected.

To receive
tolls when
two miles are
completed.

SECTION 2. That it shall and may be lawful for the commissioners of the county of Armstrong to appropriate out of the funds in the treasury of said county, a sum of money not exceeding five hundred dollars, to assist in the construction of a bridge over Buffalo creek, at the place where the Freeport and Butler road crosses said creek: *Provided*, If such appropriation be made, all persons residing in the said county of Armstrong shall be allowed the privilege of passing over said bridge free of toll.

Comms of
Armstrong
county to ap-
propriate
\$500 to bridge
over Buffalo
creek.

SECTION 3. That the jurisdiction of the State of Pennsylvania, is hereby ceded to the United States of America, for

Jurisdiction of
Pennsylv. ced-

ed to United States. the purpose of erecting and maintaining thereon, arsenals, magazines, and other necessary buildings, over all those certain tracts, pieces, or parcels of land, situate, lying and being in the town of Oxford, and in the township of Passyunk, in the county of Philadelphia, the first mentioned tract being bounded as follows, to wit: beginning at a stone marked U. S. set for a corner in the middle of Tacconny road; thence along the middle of said road, north eighty-two degrees, fifteen minutes; east forty-seven perches and six-tenths of a perch; and north seventy-one degrees; east seven perches and fifty-two hundredths of a perch, to a corner; thence south ten degrees and five minutes; east sixty-nine perches and twenty-six hundredths of a perch, to low water mark, in Frankford or Tacconny creek; thence up the said creek, the several courses thereof, fifty-one perches and four tenths of a perch, to land conveyed to Joseph Kirkbride; thence by the same, north sixteen degrees; west four perches to a stake; thence south seventy-four degrees; west one perch to the middle of a road leading from the Bustleton road to the ferry; thence along the middle of said road, north sixteen degrees, west twenty-seven perches and seven tenths of a perch, to a stone marked U. S. and north eleven degrees fifteen minutes, west forty-three perches and seventy-two hundredths of a perch, to the place of beginning. And the description and boundaries of the last mentioned of the foregoing tracts, as set forth in the deed executed by Elizabeth Sober, et al to James McHenry, on the sixth day of July, seventeen hundred and ninety, being as follows, to wit: a certain peace or parcel of land, situate on the westerly side of the road leading from Philadelphia to Gray's ferry, in Passyunk township, in the county of Philadelphia, beginning at a post at the side of the said road, a corner of land belonging to the heirs of William Shipley, dec'd.; thence by the same, north forty-seven degrees, west seventy-two perches, to low water mark of the river Schuylkill; thence up the meanders of the said river, at low water mark, fifteen perches, to the corner of Owen Jones' land; thence with his line, south fifty-two degrees, east seventy-six perches, to a post at the side of the road; thence along the same, south fifty-six degrees, west twenty-two perches and twenty-two links, to the place of beginning; containing eight acres and an half and sixteen perches. The evidences of the several purchases of the land, which is hereby ceded, being recorded in the office of clerk of the county of Philadelphia.

Com'th, retains concurrent jurisdiction.

SECTION 4. The jurisdiction so ceded to the United States of America, is granted upon the express condition, that the said State of Pennsylvania, shall retain a concurrent jurisdiction, with the United States, in and over the tracts of land aforesaid, so far as that civil process in all cases, and such criminal process as may issue, under the authority of the

State of Pennsylvania, against any person or persons charged with the crimes committed, without the said tract of land, may be executed therein, in the same way and manner, as if this jurisdiction had not been ceded. The United States are to retain such jurisdiction, so long as said tract of land shall be used for the purposes expressed in the foregoing section, and no longer.

SECTION 5. That George M. Lauman, Joseph Brestel, and Daniel Detweiler, be and they are hereby authorized to construct a wing dam, from the land now owned by said Detweiler, into the Susquehanna river, at the Swatara ripples, and to use the water for manufacturing purposes: *Provided*, that nothing herein contained, shall be construed to authorize them to interfere with the rights of individuals, or of the navigation of the river.

WM. HOPKINS,
Speaker of the House of Representatives,
EB'R. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The thirteenth day of June, eighteen hundred and forty.

DAVID R. PORTER.

[No. 255.]

A N A C T

Authorizing the building of a Lock-up House, in the borough of Hamburg, in the county of Berks, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the burgess and town council of the borough of Hamburg, in the county of Berks, to build and erect, or provide and support a suitable building in or contiguous to the borough of Hamburg, in the county of Berks, to be used as a lock-up house, or place of security, for the temporary detention of persons committed by a justice of the peace of the said county, for any violation of the laws of the commonwealth, for which such person or persons could be lawfully committed to the

To erect a
lock up house

Proviso.

common prison, there to remain and be kept until such offender can be conveniently conveyed to the county prison, or until he be discharged according to law : *Provided*, That no person committed by a justice of the peace shall be confined in said house for a longer period than twenty-four hours.

Lock up
house in Potts-
ville, Miners-
ville. Schl. co.

SECTION 2. That the burgess and town council of the boroughs of Pottsville and Minersville, in the county of Schuylkill, be authorized to build and erect, or provide and support suitable buildings in or contiguous to the said boroughs, to be used as lock-up houses, or places of security, for the temporary detention of persons committed by a justice of the peace of the said county, for any violation of the laws of the commonwealth, for which such person or persons could lawfully be committed to the common prison, there to remain and be kept until such offender can be conveniently conveyed to the county prison, or until he be discharged according to law : *Provided*, That no person committed by a justice of the peace shall be confined in said house for a longer period than twenty-four hours.

Proviso.

Preamble re-
lative to keep-
ing in repair
a certain st.
in Stoys-
town, Somers-
set county.

WHEREAS, the inhabitants of the town of Stoystown, in Somerset county, on the twenty-third day of August, eighteen hundred and fifteen, entered into a written agreement with Major George Graham, another citizen and lot holder residing in said town, that the said George be allowed to close up and build upon a street in said town, called Water street, running between lots numbered in the plan of said town, number twenty on the west, and lot number twenty-two on the east, on condition that the said George would open and keep in good repair a street in lieu of Water street, thus to be inclosed off his lot number twenty-two, for the use of the public, of the width of thirty-five feet, to run parallel to said Water street, from Main street to Back street : *And whereas*, immediately afterwards the said agreement was carried into effect by the said George, on his part, in opening and keeping in good repair the said street, in lieu of Water street, and has erected and had in peaceable possession upon the site of Water street, on Main street, a large two story dwelling house, attached to the tavern house for upwards of twenty-four years, without any objection made by any one. The said George is now dead, and the said property has descended to his heirs at law, under the will of the said George; therefore, for the purpose of preventing any one hereafter from instituting any proceeding in the name of the commonwealth, against the lot holder, occupier, or owner of the ground, and building thereon erected, or hereafter to be erected upon the land occupied by said Water street, (agreed to be closed in by the said agreement,) for the purpose of opening the same.

SECTION 3. *Be it enacted by the Senate and House of Re-*

representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same: That it shall not be lawful for any one whatever to institute, or cause to be instituted, any manner of action or proceeding in the name of the commonwealth against any owner or occupier of that part of Water street, in the town of Stoystown, Somerset county, which lies between lots numbered in the plan of said town, numbers twenty and twenty-two, and extending from Main to Back street, and the commonwealth hereby releases all right she may have to the same as a public highway, on condition the owners and occupiers of said land do forever hereafter keep open, and in good repair for public use, the street thirty-five feet wide, opened by said George Graham, in lieu of Water street.

Action not to be instituted against any owner or occupier of that part of Water street between lots No. 20 and 22. Com'th. releases her right.

WM. HOPKINS,
Speaker of the House of Representatives.
EB. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The thirteenth day of June, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 256.]

A SUPPLEMENT

To an act entitled "an act, relating to the elections of this Commonwealth," passed the second day of July, Anno Domini, one thousand eight hundred and thirty-nine, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That as soon as the election for inspectors and judges of election shall be finished, the inspectors and judges of such election, shall make out duplicate returns under their hands and seals, setting forth in words at length, the number of votes given for the several persons voted for as inspectors and judge, and also for each township officer voted for at such election, one of which they shall, together with the tickets, list of taxables, list of voters, tally papers, and the certificates of the oath or affirmation, taken and subscribed by the inspectors,

Duties of Inspectors and Judges.

judges and clerks, carefully collect and deposit in one or more of the ballot boxes, which boxes together with the remaining ones shall be secured, delivered and kept as for similar boxes, is directed in the seventy-fourth section of the act to which this is a supplement, until the next general election, to be held thereafter, and the other duplicate, shall be delivered by the judge of such election, within five days thereafter, to the clerk of the court of Quarter Sessions of the proper county, to be filed in his office; and the said inspectors and judge, shall also make out a certificate of election, for each person chosen as an inspector, judge, or township officer, which certificate shall be delivered to the person so chosen, or left at his usual place of abode, by the constable of the proper ward, township, district, or borough, within five days after such election.

Duties of constables. SECTION 2. The constable or constables of every township within this commonwealth, shall give public notice of the township elections, by ten or more printed or written advertisements, affixed at as many of the most public places therein, at least ten days before the election, and in every such advertisement they shall enumerate, designate, and give notice as sheriffs of counties in cases of general elections are directed, by the first and second divisions of the thirteenth section of the act to which this is a supplement, and in case of the neglect, refusal, death, or absence of the aforesaid constable or constables, the duties herein enjoined on them, shall be performed by the supervisors or assessor of the proper township, but said supervisors or assessor of the proper township, shall not be required to give more than five days notice; and said elections shall be held and conducted under the regulations, not inconsistent herewith, prescribed in the aforesaid act, but nothing in this act, or in the act to which this is a supplement contained, shall be construed to prohibit a judge, inspector, or clerk of election from being voted for to fill any township office, or render either or any of them ineligible to hold the same.

Duties of Supervisors and Assessors.

Duties of County Commissioners. SECTION 3. The commissioners of every county within this commonwealth, shall on or before the first day of August, in each year, cause to be delivered to the assessor of every ward, township, incorporated district and borough, within their respective counties, for which said assessors were respectively elected, a certified transcript under seal of office, of the names and surnames, of all the taxable persons returned at the last county assessment of said wards, townships, districts and boroughs, and shall separately arrange the names of freeholders, tenants and single men, in alphabetical order.

Duties of Assessors. SECTION 4. The assessors of the several wards, townships, incorporated districts, and boroughs within this commonwealth, shall, on the receipt of the transcripts aforesaid, proceed forthwith to make from said transcript not less than two copies of alphabetical lists, and as many more as the county commis-

tioners shall direct, and in the form required of county commissioners, of the names and surnames of all the white freemen residing within their respective wards, townships, districts, and boroughs; and said assessors shall, on or before the twentieth day of August, in each year, post up said copies at as many of the most public places within their respective wards, townships, districts, and boroughs, one of which shall be at the place of holding their general elections: *Provided*, ^{Proviso.} That when the election is not held within the ward, township, borough, or district, then all of said copies or lists, made out as aforesaid, shall be fixed up within the ward, township, borough or district, except the one copy required by this section, to be fixed up at the place of holding such election.

SECTION 5. The assessors aforesaid, shall also keep copies ^{Further duties of Assessors.} of the aforesaid lists in their office or possession, subject at all reasonable times to the inspection of any white freeman without charge; and shall, at any such time, ten days before the second Tuesday of October, in each year, on the personal application of any person, as aforesaid, claiming to be assessed within their proper ward, township, incorporated district or borough, or claiming a right to vote therein, as being between the age of twenty-one and twenty-two years, and having resided in the State one year, enter the name of such person upon the said lists in their office or possession; and the said assessors shall, in the form aforesaid, make out duplicate copies of said lists of names and surnames of the white freemen and qualified voters residing within their respective wards, townships, districts, and boroughs; and at least eight days before the second Tuesday of October, in each year, certify, sign and deliver, one of said duplicates to the commissioners of their respective counties, who shall file the same in their office; the other the said assessors shall hold and hand over, without alteration, or addition, to one of the inspectors of the election of their proper election district, on or before eight of the clock in the morning of the second Tuesday of October, in each year: *Provided*, ^{Proviso.} That where any ward, township, incorporated district or borough, has been, or shall be divided in forming an election district, or part of an election district, said assessors shall make out, certify, sign, and deliver, as is hereinbefore directed, for wards, townships, districts, and boroughs, duplicate lists, as aforesaid, of the white freemen and qualified voters residing within each part of said divided ward, township, district, and borough.

SECTION 6. It shall be the duty of said assessors ^{Assessors duties continued} respectively, on entering the names of persons claiming to be assessed, pursuant to the provisions in the foregoing section, forthwith to levy and assess on such persons, except those between the age of twenty-one and twenty-two years, such an amount of county tax as by law is levied and assessed on tax-

able inhabitants of like standing or occupation, and give a certificate of such assessment to the person so assessed, and return his name on said list to the commissioners at least eight days before the election, noting opposite said name the words "tax not paid;" and the collector shall, on presentation of such certificate, receive said tax, and give a receipt for the same.

SECTION 7. The commissioners of every county within this commonwealth, shall, on or before eight of the clock in the morning of the day of every general, special, electoral, and township election, and at the times hereinafter specified, perform the following duties:

County commissioners to perform certain duties respecting elections.

First.—At elections, as aforesaid, they shall cause to be delivered to one of the inspectors of every election district, within their respective counties, a sufficient number of boxes to contain the tickets, (unless the same has already been provided for said township,) blank forms of election oaths, tally papers, and returns made out in a proper manner, and headed as the nature of the election may require.

Special elections.

Second.—At special, electoral, and township elections, they shall, in addition to the foregoing, deliver to the aforesaid inspectors certified copies, under seal of office, of the duplicate copies delivered them to file in their respective offices, by the respective assessors of wards, townships, incorporated districts, and boroughs, within their respective counties, pursuant to the directions and provisions contained in the fifth section of this act; also a sufficient number of blank forms of certificates of election, for each person elected to any office voted for at township elections.

To provide duplicate triplicate and single returns.

Third.—On the day of meeting of the return judges of elections, within their respective counties, they shall immediately, on said judges having met and selected one of their number as president of the board, deliver to said president a sufficient number of blank forms, of duplicate, triplicate, and single returns, made out in a proper manner, and headed as the nature of the return may require; also blank forms of certificate of election, for each person elected at such election, made out and headed as the case may require.

Election of Comms. and Auditors.

SECTION 8. In cases of election of county commissioners and county auditors, one copy of the return of election shall be enclosed in an envelope, sealed and directed "to the commissioners" of the proper county.

Duties of the Clerk of court of quarter sessions.

SECTION 9. The clerk of the court of quarter sessions of every county within this commonwealth, shall, within fifteen days after the township elections, in each year, are returned into his office, to make out, certify, and deliver, under his hand and seal of office, to the commissioners of his proper county, a list of the names of the persons elected to the offices of assessor and assistant assessors, and the names of the wards,

townships, incorporated districts, and boroughs, within their respective counties, for which they were respectively elected, and shall be allowed therefor the usual fees for equal or similar services, to be paid out of the county treasury.

SECTION 10. Every judge, as aforesaid, shall be allowed six cents per mile, for each mile necessarily travelled in delivering the return of the township election of his proper township, to the clerk of the court of Quarter Sessions; said mileage to be computed circular, and paid out of the county treasury, on orders drawn by the commissioners in the usual manner: *Provided*, That no compensation shall be paid where the return is not delivered within the time prescribed by law; and no daily pay shall be allowed for making returns of township elections.

Mileage to re-
turn judge.

Proviso.

SECTION 11. Constables, supervisors, or assessors, as the case may be, of any ward, township, incorporated district, or borough, shall be allowed and paid out of the county treasury, two dollars for advertising ward, township, district, and borough elections; said constables shall also be allowed and paid, as aforesaid, twenty cents for delivering to each township officer a certificate of his election, as directed by this act, and the act to which this is a supplement.

Advertising
ward, town-
ship, or bo-
rough election
how paid.

SECTION 12. The respective assessors shall be paid for the various duties required by this act, and the act to which this is a supplement, such sum as the commissioners of the proper county, shall believe just and reasonable, computing their services at the same price allowed by law, when engaged in making assessments, and the decision of a majority of such board of commissioners as to the amount to be paid for such service, shall be final and conclusive.

Assessors
compensation

SECTION 13. The qualified electors of every township within this commonwealth, who have neglected or omitted to elect township auditors, pursuant to the act of the fifteenth of March, one thousand eight hundred and thirty-four, relating to counties and townships, and county and township officers, shall at the next annual township election, elect three township auditors, in the manner prescribed by said act, and shall annually thereafter, continue to elect said officers in the manner therein directed.

Township
Auditors elec-
tion, &c.

SECTION 14. Every inspector and judge of an election, shall have full power and authority to administer oaths or affirmations to any and all persons requiring, or offering to be sworn or affirmed, in relation to the right of any person to vote at any election, authorized to be held under any law of this commonwealth, and generally, shall in the exercise of the duties of their office as inspectors or judge, have the same power to administer oaths or affirmations required, or authorized to be administered by the provisions of this act, or the act to which this is a supplement, as justices of the peace have by the laws

Authority of
Inspector and
Judge of elec-
tions.

of this commonwealth, and a violation of such oath or affirmations, shall be subject to the same fines and penalties which are or may be inflicted by law, for a violation of such oath or affirmation, when administered by a justice of the peace.

SECTION 15. If any officer or officers required to perform any duty by the provisions of this act, shall neglect or refuse to perform the same, he or they, so offending, shall be considered and adjudged guilty of a misdemeanor in office, and shall on conviction, be fined in any sum not less than twenty, nor more than two hundred dollars, and where the duties required of any officer herein named, are the same as those required by the provisions of the act to which this is a supplement, the penalties inflicted by said act, for violation of such duty, be and the same are hereby extended to the duty herein required.

SECTION 16. The eighth, ninth, tenth, eleventh, twelfth, fifty-first, fifty-second, fifty-fifth, fifty-seventh, fifty-eighth and sixtieth sections, and the fourth division of the eighteenth section of the act to which this is a supplement, and all other laws of this commonwealth inconsistent with the provisions of this act, be and the same are hereby repealed.

SECTION 17. That the members of the Mount Zion Methodist Episcopal Church of Manyunk, in the county of Philadelphia, be and they are hereby enacted into a body corporate, in deed and in law, by the name, style and title, of the Mount Zion "Methodist Episcopal Church of Manyunk," in the county of Philadelphia, and by the same name, shall have perpetual succession, and be able to sue and be sued; implead and be impleaded, in all courts of law and elsewhere, and shall be able and capable in law and equity, to take, hold and enjoy, for the the use of the said church, such lands and tenements, good and chattles, as now are, or shall hereafter become the property of the said congregation, or be held for their use, by gift, grant, devise, bequest or otherwise, from any person or persons, whomsoever capable of making the same, and the same to grant, bargain, sell, or otherwise, dispose of for the use of the said congregation : *Provided however*, That the yearly value or income of the said estate, shall not at any time exceed the sum of two thousand dollars, nor be appropriated to any other, than benevolent or religious purposes.

SECTION 18. The trustees of the said church for the time being, and their successors in office, according to the form of discipline, by which the said church is governed, shall have the care and management of all the property, real and personal, belonging to said corporation, shall be members thereof, and shall be accountable thereto for their official conduct, and shall in all respects, conform to its instructions : *Provided*, The same are not inconsistent with the constitution or laws of the United States, or of this Commonwealth, or with the form of discipline, by which the said corporation is governed as a church.

SECTION 19. Every male member in full communion in the Members.
said church, of the age of twenty-one years and upwards, being a citizen of Pennsylvania, and having resided in the county of Philadelphia, or its vicinity, for the space of six months, shall be considered a member of the said corporation, and be as such, entitled to the privilege of speaking and voting at its meetings.

SECTION 20. The said corporation, shall have full power to make and use one common seal, with such device or inscription theron, as they may deem proper, and the same at pleasure to break, alter or renew, and also, to enact and enforce such by-laws and ordinances, from time to time, as they may judge expedient for the prosperity and good government of the said corporation: *Provided*, The same shall not be inconsistent with the constitution and laws of the United States, or of this Commonwealth, or with the form of discipline by which said church is governed. Seal.
By-laws.
Proviso.

WM. HOPKINS,

Speaker of the House of Representatives.

EBEN'R. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The thirteenth day of June, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 257.]

A FURTHER SUPPLEMENT

To an act, entitled 'An act providing for the election of Aldermen and Justices of the Peace,' passed twenty-first June, one thousand eight hundred and thirty-nine, and for other purposes."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases where an equal number of legal votes, has been or shall hereafter be polled, for two or more candidates for the office of alderman or justice of the peace, in any ward, borough, township, or district, so that the said officers required by law, shall not be duly elected, or where any election shall be declared void by the court, it shall be lawful Elections when void or the vote how remedied.

for the qualified voters of such ward, borough, township, or district, to hold another election for the choice of such officer or officers, and to fill such vacancy. But before holding the same, it shall be the duty of the constable of the proper ward, borough, township, or district, to give notice in the manner prescribed by law, that on a certain day mentioned in said notice—not less than twenty nor more than thirty days thereafter, an election will be held to fill such vacancy; which election shall be held and conducted in the mode and manner, and by the same officers and persons, as the constables elections are held and conducted; and at the same place and between the same hours, and be subject to the like inquiry, and judgment of the court of the proper county, as aldermen or justices elected, under the provisions of the act, to which this is a further supplement: *Provided*, that when the election of any such officer shall be vacated or set aside, by a decision of the court, the said court shall fix the time of holding such new election, which shall not be less than twenty days thereafter: *And provided*, that no election held under the provisions of the section hereinafter repealed, upon legal notice given by the proper constable, to fill any vacancy contemplated by said section, shall be declared void, because it was held on a day fixed by the said constable.

Election how
when and
where held.

Proviso.

2d Proviso.

Commissions
when to take
effect.

SECTION 2. The commissions issued to aldermen or justices of the peace, elected under the provisions of this act, shall take effect from the same date and time, and continue until the same period as commissions, issued under the act of the twenty-first June, one thousand eight hundred and thirty-nine, to which this is a further supplement, and shall expire at the same time, with commissions issued to such officers elected, at the time of electing constables.

Oath of in-
spectors &c.

SECTION 3. The inspectors, judge, and clerks, required by law, to hold township and general elections, shall take and subscribe the several oaths or affirmations, required by the nineteenth, twentieth, and twenty-first sections, of the act of the second day of July, one thousand eight hundred and thirty-nine, entitled "an act relating to the elections of this Commonwealth," which oaths or affirmations, shall be prepared and administered, in the manner prescribed in the eighteenth, and twenty-second sections of said act; and in addition to the power conferred by the eighteenth section of said act, the judge, or either of the inspectors, shall have power to administer the oaths prescribed by said act, to any clerk of a general, special, or township election; and the ninth section of the act, to which this is a further supplement, be and the same is hereby repealed.

Contested
elections.

SECTION 4. All contested elections of aldermen or justices of the peace, shall be tried in the courts of common pleas, according to the provisions of the act to which this is a further sup-

plement; and said courts in the trial of such contests, shall have all the powers conferred by the one hundred and fifty-fifth, one hundred and fifty-sixth, and one hundred and fifty-seventh sections of the act entitled "an act relating to elections of this commonwealth, passed the second day of July, one thousand eight hundred and thirty-nine," but no proceeding commenced; and now pending in the courts of quarter sessions, shall be dismissed by reason of the passage of this act, but the same shall be pursued to completion, with like power and effect, as though it had been commenced in the court of common pleas.

SECTION 5. No state tax shall hereafter be charged on account of recording the commission, oath, bond, or other paper connected with the election, and appointment of aldermen and justices of the peace within this commonwealth. No state tax on commissions &c.

SECTION 6. That the first section of the act of the eleventh April, one thousand eight hundred and forty, entitled a supplement to an act, entitled an act providing for the election of aldermen and justices of the peace, passed the twenty-first day June, one thousand eight hundred and thirty-nine, be and the same is hereby repealed. Repeal of part of former act.

SECTION 7. That from and after the passage of this act, the present treasurer of Columbia county, and all treasurers hereafter elected or appointed for said county, shall, during the period for which he shall have been elected or appointed, reside in the town of Danville, the seat of justice of said county, or shall have an office for the transaction of the business of treasurer, in said town, with a deputy or clerk to act in his place, when he shall be absent from said town of Danville; and said treasurer shall be accountable for all the official acts of his deputy or clerk, during their appointment to said office. Columbia co. to reside at the seat of justice.

SECTION 8. That the qualified electors of the borough of Millsborough, in the county of Washington, shall on the first Monday of July next, and annually thereafter, meet at such place, as shall be designated by the constable of East Bethlehem township, giving fifteen days public notice, by hand bills, put up at public places, and elect all borough officers provided by the charter of said borough: *And provided further*, that the said borough shall have power at the same time and place, to elect one person as a justice of the peace, and one person as constable, who shall be placed on the same footing as justices and constables, elected in March last, under the existing laws of this Commonwealth: *Provided*, that hereafter, the said borough shall have the same power and privileges, in electing justices, and constables, as all other boroughs of this Commonwealth have, under existing laws. Washington co. annual election of officers and justice peace. Proviso.

SECTION 9. That from and after the passage of this act, when the defendant, or defendants, in any suit now pending, or hereafter to be brought, have assigned for the benefit of Assignees may appeal in certain cases.

creditors, before or after such suit brought, or hereafter may assign, for the benefit of creditors, the land or other property, which is the subject of, or affected by such suit, the assignee or assignees may appeal from any award made in such suit against the defendant, or defendants, under a rule of reference, entered under the eighth section of the act of the sixteenth June, one thousand eight hundred and thirty-six, entitled an act relative to reference and arbitration; and also to bring a writ of error upon any judgment, which may be rendered in any such suit.

Provisions of part of certain acts relating to reference.

Arbitration & executions extended to assignee in certain cases.

Assessors duties to continue till 1841.

Certain election declared valid.

Inquest on fi fa lev. fa in certain cases in an adjoining co. how conducted &c

SECTION 10. That the provisions of the thirty-first section of the said act of the sixteenth of June, one thousand eight hundred and thirty six, relative to reference and arbitration; and the first proviso of the eighth section of the act of the sixteenth of June, one thousand eight hundred and thirty-six, entitled an act relating to executions, be and the same are hereby extended to the assignee of voluntary assignments, for the benefit of creditors, whenever such assignee shall enter an appeal, or sue out a writ of error, under the provisions of the ninth section of the present act.

SECTION 11. That the assessors elected in the several election districts, on the Friday next preceding the second Tuesday of October last, past, under the provisions of the twelfth section of the act relating to the elections of this Commonwealth, passed the second day of July, one thousand eight hundred and thirty nine, shall continue in office, and perform all the duties appertaining thereto, until the time fixed for the election of assessors and assistant assessors, in the year one thousand eight hundred and forty-one, except where elections shall have taken place for such officers, at the constables elections next preceding the passage of this act; and in such last described case, the said elections are hereby declared valid and effectual, where they have conformed in other respects to the provisions of the existing laws; and the terms of office of the said first mentioned assessors, shall be construed to expire on the Friday next preceding the day of the general election, of the present year, when the assessors and assistant assessors, so elected as aforesaid, shall enter upon the performance of the duties of their respective offices.

SECTION 12. That when any part of any lands or real estate, which lie in one or more adjoining tracts, in different counties, has been or shall be taken in execution, under any writ of fieri facias, or writ of levari facias, issued out of any court in either county, it shall be the duty of the sheriff to summon an inquest, for the purpose of ascertaining whether that part of the said land, which has been taken in execution, can be sold separately and apart, from the other part of said land, lying in the adjoining county or counties, without

prejudice to the whole, or to the interest of the defendant
 or defendants, or any of his, her, or their lien creditors,
 or other person, who may be interested in the proceeds thereof;
 and also how much, and what part of said lands in such ad-
 joining county or counties, ought to be sold with that part taken
 in execution as aforesaid, describing the same by metes and
 bounds; and he shall make a return in due form of law, of the
 inquisition taken with the writ, and if the said inquest shall
 find that the part of said lands taken in execution, cannot be
 sold separately from the other part lying in the adjoining coun-
 ties, or a portion of the same, without prejudice as aforesaid,
 and the inquisition shall be approved by the court, the plaintiff
 may have a writ of venditioni exponas, or writ of levari facias,
 as the case may require, (or a writ of alias or pluries venditiona
 exponas, or alias or pluries levari facias, as the same may be
 necessary,) to sell said lands and real estate, taken in execu-
 tion; and other part in such inquisition mentioned and descri-
 bed, by virtue thereof, the said lands and real estate shall be
 exposed to sale—sold and conveyed as in other cases; and the
 person or persons to whom the said lands and real estate may
 be sold, shall and may take, hold, and enjoy the same, as if the
 same were situate wholly in the county, in which such writ
 issued: *Provided*, that upon the return of the said inquisition,
 the plaintiff shall cause a copy of the docket entry, and whole
 proceeding connected with the said writ, to be filed in the of-
 fice of the Prothonotary of the said adjoining county, or coun-
 ties, in which any of the lands mentioned in said inquisition
 are situate, which shall be entered on the records of such office;
 and from the date of said entry, the judgment on which said
 writs issued, shall be a lien on the lands within the county in
 which the said proceedings shall be entered, and copies of all
 subsequent proceedings in said case, shall in like manner be
 filed and entered in the office of such prothonotary, immedi-
 ately after the sheriff shall make a return of the sale of said
 premises: *And provided also*, that notice of the sale shall be
 given in each county, in which the lands to be sold, lie, as is
 now required to be given in cases of sheriff's sales; and in all
 cases of a tract or adjoining tracts of land, situate in different
 counties as aforesaid, in which any writs of execution have
 been issued, and no sale under the same, has been made, it
 shall be lawful for the plaintiff to issue an alias or pluries fieri
 facias, or alias or pluries levari facias, as may be proper; and
 the like proceedings shall be had thereon, as above provided.
 In case there shall be any liens on the parts of said lands, ly-
 ing in the adjoining county or counties, in which the above
 mentioned proceedings are directed to be filed and entered, ex-
 isting previous to filing and entering such proceedings, the
 court shall, after the return of the sale, ascertain and deter-
 mine, in such manner as they may think proper, what propor-

Return of in-
quisitionApproval of
court vendi-
tion &c.

Proviso.

Certain en-
tries to effect a
sale.

Notice of sale

When no sale
has taken
place under
execution
plaintiff may
issue alias or
pluries fi fa or
levari fa.Proceedings
when previ-
ous liens exist

tion of the proceeds of such sale shall be applied, in satisfaction, of such previous liens.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The thirteenth day of June, one thousand eight hundred and forty.

DAVID R. PORTER.

NOTE—The four next following resolutions were passed by both branches of the Legislature, at the session 1838-9; but were not signed by the Governor in time to be printed with the laws of that session.

RESOLUTIONS

PASSED AT THE SESSION 1838-9.

[No. 54.]

RESOLUTION

For the relief of the Somerset and Conemaugh Turnpike Road company.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met:* That the Governor be, and he is hereby authorized and required to subscribe two hundred shares of stock in the Somerset and Conemaugh turnpike road company, on the part of the state, and that the same be paid out of any money not otherwise appropriated in the State Treasury, to be expended in completing said road.

Gov. to subscribe 200 shares stock in Somerset and Conemaugh turnpike road.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The twenty-third day of September, eighteen hundred and thirty-nine.

DAVID R. PORTER.

[No. 55.]

RESOLUTION

Relative to the claim of William A. Lloyd, for services rendered as the Commonwealth's agent, in discovering the lands late the estate of John Nicholson and Peter Baynton, and in which the commonwealth has a lien.

RESOLVED, By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly

State treasurer
to pay Wm A.
Lloyd \$2,500.

To be reim-
bursed out of
the proceeds of
sale of lands
of Nicholson
and Baynton.

Board of pro-
perty for in-
vestigation to
pay W. A. L.
any balance
due him.

To deliver up
all papers.

met: That the State Treasurer is authorized and required to pay to William A. Lloyd, or order, two thousand five hundred dollars, on account of services rendered by him to the commonwealth, in discovering, as the agent appointed by the Governor for that purpose, lands and titles thereto, late the estate of John Nicholson and Peter Baynton, and on which the commonwealth holds a lien; said sum to be reimbursed to the commonwealth, with lawful interest, out of the proceeds of the sale of said lands, after such sale shall take place, and any balance that may be then found due to the said William A. Lloyd, by the Board of Property, instituted in reference to said lands, and the lien of the commonwealth thereon, on a full investigation of the claim of the said William A. Lloyd, according to justice and equity, shall then also be paid him out of said proceeds: *Provided,* That before such payment shall be made, the said William A. Lloyd shall deliver up to the Secretary of the Land office, all papers and documents in his possession in relation to said estate, situate in the commonwealth of Pennsylvania.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE.

Speaker of the Senate.

APPROVED—The fourth day of October, eighteen hundred and thirty-nine.

DAVID R. PORTER.

[No. 56.]

RESOLUTION

For the relief of the Monongahela Bridge company.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*: That the Governor is hereby authorized and required to subscribe four thousand dollars to the stock of the Monongahela bridge, at Williamsport, and two hundred shares to the stock of the Washington and Pittsburg turnpike road company, to be paid in the same manner as individual stockholders are by law compelled to pay their subscriptions.

Gov. to subscribe 4000 stock to Monongahela bridge co. and 200 shares stock in Washington and Pittsburg turnpike road co.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE,

Speaker of the Senate.

APPROVED—The eleventh day of October, eighteen hundred and thirty-nine.

DAVID R. PORTER.

[No. 57.]

RESOLUTION

Authorizing the settlement and payments of certificates or scrip, issued by John Forseman, late Supervisor of the Delaware Division of the Pennsylvania canal.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*: That the Canal Commissioners be, and they are hereby authorized and required to settle and adjust the claims of all persons who hold certificates or scrip, issued by John Forseman, late Supervisor of the Delaware Division, Pennsylvania canal, and pay the same out of the fund which may be appropriated for repairs or the internal improvement's fund: *Provi-*

Canal com'rs. to settle certificates or scrip of John Forseman.

ded, the sum required to be paid does not exceed the sum of four thousand five hundred dollars, and if that sum does not cover all the claims, the same shall be divided *pro rata* among them. And the said Canal Commissioners shall in no instance pay the whole amount of such certificates or scrip, unless the same is in the hands of the original holder or holders, or in case of the decease of such holder or holders, in the hands of his, her, or their legal representatives, and when such certificates have been transferred, the said commissioners shall only allow such sum or sums as the holder or holders may have bona fide paid therefor, with legal interest thereon from the time of such transfer: *Provided*, the principal and interest does not exceed the sum expressed to be due on the face of the certificate, and the balance so remaining, after paying the amount so paid to the assignee or holder as aforesaid, shall be paid to the original holder or holders of said certificates or scrip, or to his heirs, executors or administrators, and that any transfer made after the passage of this act shall not be considered a proper transfer, and the person or persons nolding such certificates by virtue of such transfer shall not be paid for the same: *Provided*, That nothing in this act shall be taken or construed to release the sureties of the said John Forseman, from any responsibility they may be under to the commonwealth, but the claims of the several persons whose certificates may be paid by virtue of this act, shall be transferred and vested in the commonwealth. And the Auditor General is hereby authorized and required to audit the same in the way and manner other claims are presented and audited.

Not to exceed \$4,500.
Pro rata distribution.
Not to pay whole am't. of scrip unless in hands of original holders representatives &c. with interest.
No transfer made after passage of this act to be paid. Sureties not released by this act. Proviso.
Auditor Gen. to audit the same.

WM. HOPKINS,

Speaker of the House of Representatives.

CHARLES B. PENROSE.

Speaker of the Senate.

APPROVED—The sixth day of January, eighteen hundred and forty.

DAVID R. PORTER.

RESOLUTIONS

PASSED AT THE SESSION OF 1840.

[No. 1.]

Preamble.

RESOLUTION

Authorizing the payment of the claim of Samuel R. Richards.

WHEREAS by an act of Assembly passed the fourteenth day of June, Anno Domini, eighteen hundred and thirty-nine, the canal commissioners were required to examine and settle the accounts and claims of Samuel R. Richards, a contractor on the Kiskiminitas and Conemaugh division of the Pennsylvania canal; *And whereas*, the canal commissioners in obedience to the aforesaid act of Assembly, did re-examine and settle the accounts and claims of the said Samuel R. Richards; *And whereas*, no provision was made for the payment of the same; Therefore,

State treasurer
to pay Sam. R.
Richards \$3,-
500.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the State Treasurer be and is hereby authorized and required to pay to Samuel R. Richards, or to his order, the sum of three thousand five hundred dollars, out of any monies not otherwise appropriated in the treasury; which sum appears to be due to the said Richards upon the settlement of his accounts and claims, in compliance with the aforesaid act of Assembly.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighteenth day of January, Anno Domini, eighteen hundred and forty.

DAVID R. PORTER.

[No. 2.]

RESOLUTION

Extending the time for the settlement of the accounts of commissioners for improving the State Road, in Wayne county, from Caukin's to the Delaware river, appointed by an act passed the fourteenth day of April, eighteen hundred and thirty-eight.

Comm'rs.

Preamble.

WHEREAS by an act of the General Assembly of the Commonwealth of Pennsylvania, passed April fourteenth, Anno Domini, one thousand eight hundred and thirty-eight, Moses Thomas, George Bush, William H. Dimmick, Jacob Killam, and Warner M. Preston, were appointed commissioners to lay out, and expend certain monies, appropriated by said act, for the construction of a State road near the New York state line, in the county of Wayne: *And whereas*, the aforesaid act provides that the expenses of the said commissioners shall be paid by the said county, and that the auditors of the said county shall be required to settle their accounts within two years after the money has been drawn from the state treasury, and the said county auditors shall forward a copy of the said accounts, after being so settled, to the Auditor General, who shall lay the same before the legislature: *And whereas*, the aforesaid commissioners have proceeded to the faithful discharge of their duties, but owing to the non-fulfilment of some of the contractors on said road, the commissioners are unable to comply with said act within the time specified: Therefore,

Final settlement &c.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the time for the final settlement of the accounts of the aforesaid commissioners and auditors above named, be extended for one year from the first of August, Anno Domini, one thousand eight hundred and forty.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of January, eighteen hundred and forty.

DAVID R. PORTER.

[No. 3.]

RESOLUTION

Relative to the Election in the City of Lancaster.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the city election, to be held in the city of Lancaster on the first Tuesday of February next, for members of the select and common councils, constables, and other officers, provided for in the act of the general assembly, entitled "An act to incorporate the city of Lancaster," passed the twentieth day of March, Anno Domini, eighteen hundred and eighteen;" and the alderman, and all other officers to be elected agreeably to the provisions of the act entitled "An act providing for the election of alderman and justices of the peace," approved the twenty-first day of June, Anno Domini, eighteen hundred and thirty-nine;" and also for the election of inspectors and assessors, in conformity with the provisions of the act entitled "An act relating to the elections of this commonwealth," passed on the second day of July, eighteen hundred and thirty-nine," shall be held by the judges and inspectors chosen by the citizens of said city at the inspectors election, which was held on the Friday next preceding the second Tuesday of October last past; and the said judges and inspectors shall hold and conduct the said election, in the same manner and under the like restrictions, and be entitled to the same compensation as is provided for, in the act last above mentioned.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The thirty-first day of January, eighteen hundred and forty.

DAVID R. PORTER.

[No. 4.]

RESOLUTION

Requiring the settlement of the accounts of the Paymaster General of the Volunteers, in the service of the commonwealth, in December, eighteen hundred and thirty-eight.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met :* That the Paymaster General and Disbursing officer of Volunteers, Col. T. B. Town, be and he is hereby required to audit and settle the account of the Quarter Master General, for all matters pertaining to the department of the said Quarter Master General for services, in settling the accounts of said department, for quarters, fuel, stationary, equipments, clothing, and subsistence of the volunteers, in the service of the Commonwealth, in December, eighteen hundred and thirty-eight, according to the rules adopted by the Department of War of the United States, in regard to the Quarter Master Department of the same; and that upon the final adjustment of the said account, the said Paymaster General shall lay the same before the Auditor General, who, if approved by him, shall draw his warrant on the State Treasurer for the payment of the same, out of any moneys remaining of the fund appropriated last session for the payment of the troops.

Paymaster general to settle accounts &c.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

We do certify that the "Resolution requiring the settlement of the accounts of the Paymaster General of the volunteers, in the service of the Commonwealth, in December, eighteen hundred and thirty-eight," was presented to the Governor on the twenty-seventh day of January, eighteen hundred and forty, and was not returned within ten days (Sundays excepted) after it had been presented; wherefore it has, agreeably to the twenty-third section of the first article of the Constitution of this Commonwealth, become a law, in like manner as if he had signed it.

J. SEILER,

Clerk of the House of Representatives.

H. BUEHLER,

Clerk of the Senate.

HARRISBURG, February 10th, 1840.

[No. 5.]

RESOLUTION

Relative to the State Library.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the sum of twelve hundred dollars be and is hereby ^{\$1,200 appro-} appropriated for the purpose of enabling the library committee to pay the debts due for the library at the commencement of the present session of the Legislature.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twenty-ninth day of February, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 6.]

RESOLUTION

Relative to the Election in the Borough of West Greenville.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That William G. Fell, Josiah M'Pherin, and John ^{Election of} ^{tsp. officers} Service, are hereby authorized and required to hold the elec- when where tion for the election of township officers, in the borough of and by whom West Greenville, Mercer county, on the third Friday of to be held. March, one thousand eight hundred and forty.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The tenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 7.]

RESOLUTION

Authorizing the appointment of a Manager, on the part of the State, in the Johnstown and Ligonier Turnpike Road Company.

Auditor Gen.
to appoint ma-
nagers &c.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That on the passage of this act, and annually thereafter on the first Monday of March, it shall be the duty of the Auditor General of the Commonwealth to appoint one manager, on behalf of the State, in the Johnstown and Ligonier turnpike road company, whose duty it shall be to represent the interest of the Commonwealth, in the management and direction of said company; and for his services, said manager shall receive out of the funds of said company such compensation as the other managers now receive; and at all elections for officers of said company, said State manager shall be allowed to vote in proportion to the stock which the Commonwealth has in said company.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 8.]

RESOLUTION

For the relief of the representatives of the late James S. Stevenson.

Preamble.

WHEREAS, It hath been represented that the late James S. Stevenson, in the year one thousand eight hundred and

twenty-nine, being the President of the Board of Canal Commissioners of this Commonwealth, was, by reason of the neglect of his predecessor to return his vouchers into the proper office, induced to pay upon the estimate of the then resident engineer, the sum of four hundred dollars, to a certain T. P. Brower & Co., contractors upon the western division of the Pennsylvania canal, for work done by them on the said division: *And whereas*, On a subsequent settlement of the accounts of his predecessor, it appeared that the said claim had been fully satisfied by him; by reason whereof, the said payment was not allowed to the said Stevenson, and the same still remains open and suspended on the books of the Auditor General's office, as a charge against the said Stevenson; Therefore,

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the Auditor General be and he is hereby authorized and required to place to the credit of the said James S. Stevenson, on the books of his office, the said sum of four hundred dollars, as aforesaid, as paid by him in his official capacity, as President of the Board of Canal Commissioners of this Commonwealth. Auditor Gen. to place \$400 to the credit of James S. Stevenson.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 9.]

RESOLUTION

Granting aid to the Doylestown and Willow Grove Turnpike road company.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met*, That the Governor be authorized to subscribe the sum of three thousand two hundred dollars to the stock of the

Gov. to sub- Doylestown and Willow Grove turnpike road company, and
 scribe to stock that he draw his warrant on the State Treasurer for the said
 &c. sum, to be paid out of the moneys appropriated by an act
 passed the fourteenth day of April, one thousand eight hun-
 dred and thirty-eight, to subscribe to the stock of the Harts-
 ville and Willow Grove turnpike road company, which remains
 unpaid in the Treasury; the company for which it was ap-
 propriated having never been organized, and the term limited
 by their charter for commencing the work has expired.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eleventh day of March, eighteen hundred
 and forty.

DAVID R. PORTER.

[No. 10.]

RESOLUTION

Erecting the borough of Middletown, in the county of Dauphin, into a
 separate election district, and for other purposes.

RESOLVED, *By the Senate and House of Representatives
 of the Commonwealth of Pennsylvania in General Assembly*
 met, That the borough of Middletown, in the county of Dau-
 phin, shall hereafter form a separate election district; that the
 electors thereof shall hold their general elections at the house
 now occupied by Christian Caslow in said borough, and that
 said electors shall annually elect for said borough, according
 to and for the purposes now or to be directed by law, the
 the same number of assessors that a township by law is en-
 titled to elect.

Borough elec-
 tions in Mid-
 dletown.

RESOLVED, That the township elections in the unincorpo-
 rated part of Penn township, in the county of Philadelphia,
 shall be held at the house of Michael Pray, corner of Broad
 street and Turner's lane, and that the citizens of said town-
 ship shall at the ensuing election and at all subsequent elec-
 tions for township officers, elect two constables to serve, as
 now provided by law, one for the north part and one for the
 south part of said township.

In unincorpo-
 rated part of
 Penn tsp.

RESOLVED, That it shall be the duty of Clerks of the courts Retailers of foreign Quarter Sessions, and the General Sessions of the city and county of Philadelphia, to make returns of the names of all retailers of foreign merchandize to the city or county treasurer, as the case may require, on or before the first day of April in each and every year, and it shall be the duty of the said county treasurer to publish a list of said names, in at least three daily newspapers, in the month of April.

RESOLVED, That hereafter the polls of the ward elections in the city of Philadelphia and of the incorporated districts of the county of Philadelphia shall be kept open until ten o'clock in the afternoon, and that the polls of the ward and general election in the city of Lancaster, shall be kept open until nine o'clock in the afternoon. Elections in the cities of Phila. & Lancaster when closed.

RESOLVED, That for the purposes of holding the general and presidential elections and all special elections under the general election law the borough of Reading, in the county of Berks, shall hereafter be divided into four wards; of which the first shall be formed of all that portion of the borough lying east of north Sixth street, and north of Penn street, and its continuation on the Philadelphia turnpike, to be called North East Ward; the second of that portion lying west of said north Sixth street and north of said Penn street, to be called North West Ward; the third of that portion lying west of south Sixth street and south of Penn street, to be called South West Ward; and the fourth of that portion lying east of south Sixth street and south of Penn street and its continuation on the Philadelphia turnpike, to be called South East Ward. Borough of Reading divided into four wards.

RESOLVED, That the electors of the said north-east ward shall hereafter hold their said elections at the public house now occupied by John Miller, in said ward; that the electors of the north-west ward shall hereafter hold their said elections at the house now occupied by John L. Reifsnyder, in said ward; that the electors of the south-west ward shall hereafter hold their said elections at the public house now occupied by George Gernant, in said ward; and that the electors of said south-east ward shall hereafter hold their said elections at the public house now occupied by William Rapp, in said ward; and shall elect two inspectors and one judge and one assessor for each ward. The said elections in the said four wards shall be kept open until nine o'clock in the evening, when the polls shall be closed and the number of votes be forthwith ascertained. Where elections to be held. When closed.

RESOLVED, That this act shall not be considered to divide the borough of Reading into four wards for any other purpose or purposes, than for merely holding the said elections, and that as to the election of justices of the peace, the operation of the school laws, &c., the said borough shall be deemed and taken to consist of only two wards as heretofore. How to be construed.

Boundaries of Lower Swatara township. **RESOLVED,** That part of Swatara township, in the county of Dauphin, south of straight lines, forthwith to be run by the supervisors of said township at the expense thereof, commencing at the west end of the bridge over Swatara creek, at Nissly's mill, thence to the residence of Daniel Smith, thence to Christian Roop's thence to Samuel Neidig's, thence to the river Susquehanna at the line dividing the farms of Christian Mumma and John Hagey, and thence immediately by the lower end of Shriner's Island to the York county line, shall hereafter form a separate election district and township, to be called Lower Swatara, and the electors thereof shall hold their general elections at the house now occupied by Christian Caslow, in the borough of Middletown.

Treasurer in Lycoming & Clinton counties to be elected.

RESOLVED, That it shall and may be lawful for the qualified electors of the counties of Lycoming and Clinton at the next general election, and biennially thereafter, to elect one person for county treasurer for each of said counties, and to make returns of said election in the same manner as is provided for the election of county commissioners.

When to enter upon the duties &c.

RESOLVED, That the persons elected treasurers of said counties shall enter upon the duties of the said office on the first day of January next after their election, and hold the office aforesaid, for the term of two years, and until their successors are duly qualified.

North and South dist's. Lebanon co. to form separate tsp.

RESOLVED, That the north district and the south district of the township of Lebanon, in the county of Lebanon, shall each hereafter form separate townships, the former to be called North Lebanon, and the latter South Lebanon, and the electors of said townships shall each hold their general elections at the court-house in the borough of Lebanon.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 11.]

RESOLUTION

For the relief of Bernard Connelly.

WHEREAS, Patents issued upon the application of Bernard Connelly, junior, for a tract of land warranted in the name of John Landers on the fifth day of October, Anno Domini, one thousand eight hundred and thirty-eight, and also on warrants issued in the name of Jacob Ramsperger, on the eleventh day of April last: *And whereas*, Certificates were furnished the Secretary of the Land Office previous to the issuing of the patents of appraisement made under the existing laws of the Commonwealth, and the said lands having been appraised and valued at a sum not exceeding four dollars per acre exclusive of buildings, and therefore the owner was exempt from the payment of interest upon the unpaid purchase money: *And whereas*, Through inadvertance interest was charged to the amount of forty-three dollars and fifty-nine cents; Therefore,

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the State Treasurer be and he is hereby authorized and required to refund Bernard Connelly, junior, forty-three dollars and fifty-nine cents, being the amount overpaid.

Preamble.

Statetreasurer
to refund am't.
overpaid by
Barnard Con-
nelly jr.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The eighteenth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 12.]

RESOLUTION

Relative to the Election of Borough Officers in the boroughs of Harrisburg and Carlisle.

RESOLVED, By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the election for borough officers and constables, for the boroughs of Harrisburg and Carlisle, shall be held and conducted by the same officers who hold the election for judges, inspectors, and assessors of the said boroughs, or in the respective wards thereof.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The nineteenth day of March, eighteen hundred and forty.

[No. 13.]

RESOLUTION

For the relief of George Mason.

Preamble.

WHEREAS, By an act of the General Assembly of this Commonwealth, approved twentieth day of May, Anno Domini, eighteen hundred and thirty-nine, the State Treasurer was directed to pay to Isaac Mason, of Clearfield county, a soldier of the Indian war, a gratuity of forty dollars, and an annuity of forty dollars, to be paid half yearly during life: *And whereas,* An error was committed in the passage of said act, by designating the individual intended to be relieved thereby by the name of Isaac Mason, of Clearfield county, instead of that of George Mason of Crawford county, his real name and residence; Therefore,

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That the State Treasurer be and he is hereby directed to pay to George Mason, of Crawford county, a soldier of the Indian war, or his proper order, the sum of eighty dollars, as a gratuity and pension for the year one thousand eight hundred and thirty-nine, and an annuity of forty dollars during his life, to be paid half yearly, and to commence on the first day of January, one thousand eight hundred and forty.

Resolved, That so much of the fourth section of the act entitled "An act for the relief of Adam Kenar, and others, soldiers and widows of soldiers of the Revolutionary and Indian wars," passed the twentieth day of May, Anno Domini, eighteen hundred and thirty-nine," as relates to the granting of a gratuity and an annuity to Isaac Mason, of Clearfield county, shall be and is hereby repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 14.]

RESOLUTION

Relative to the West Philadelphia Railroad Company.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met,* That the time for the completing of the West Philadelphia railroad, as is mentioned and designated in the twenty-fourth section of act of the sixteenth of February, one thousand eight hundred and thirty-five, entitled "An act to incorporate the West Philadelphia railroad company," be and the same is hereby extended for three years from the passage of this act: *Provided,* That the Legislature reserves the right to purchase the said railroad at any time after the passage of this act, upon the terms and conditions prescribed in the

Time for completing extended.

Proviso.

Legislature
reserves the
right to pur-
chase.

twentieth section of the above mentioned act, or on such terms as may be mutually agreed upon between the authorized agents of the Commonwealth, and the said railroad company.

WM. HOPKINS,
Speaker of the House of Representatives,
W. T. ROGERS,
Speaker of the Senate.

APPROVED—The first day of April, eighteen hundred and forty.

DAVID R. PORTER.

[No. 15.]

RESOLUTION

Providing for the resumption of specie payments by the banks, and for other purposes.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That the several incorporated banks of this commonwealth are hereby required, on, from and after the fifteenth day of January, in the year of our Lord one thousand eight hundred and forty-one, to pay on demand all their notes, bills, deposits, and other liabilities, in gold or silver coin, except such as may have been made and created under a special agreement, under the penalty of the forfeiture of the charters, to be declared forfeited as hereinafter provided, of any and all banks refusing so to do: *Provided,* That any person or persons, from the passage of these resolutions until the said above mentioned day, may proceed to recover and collect in gold or silver coin, the liabilities of, and the penalties recoverable from any of said banks, according to the common law in force in this commonwealth, and not otherwise.

RESOLVED, That if any bank within this commonwealth, shall at any time after the said fifteenth day of January, Anno Domini, eighteen hundred and forty-one, refuse to pay on demand any of its notes, bills, deposits, or other liabilities, in gold or silver coin, except such as may have been made and created under a special agreement, its charter shall, for any

such refusal, be declared forfeited, as herein provided. And it shall and may be lawful for any person or persons, or the agent of any body corporate, who shall have been refused gold or silver in payment as aforesaid, to make an oath or affirmation before the court of common pleas of the county in which such bank is situated, or, in vacation, before the president judge thereof, of the fact; and upon such oath or affirmation being made, it shall be the duty of the said court, or, in vacation, of the president judge thereof, to appoint the tenth ^{Proceedings.} juridical day thereafter as the time, and the room where the court of common pleas of such county is held as the place, for the hearing of the said information; and it shall be the duty ^{Duties of} of such said court of common pleas, or, in vacation, of the courts &c. president judge thereof, to give or cause to be given, at least eight days notice thereof to the president or cashier of such bank, and also to give or cause to be given, reasonable notice thereof to the deputy attorney general for such said county, whose duty it shall be to attend and prosecute the same on the part of the commonwealth—and in case that officer should neglect or fail to appear and prosecute the same, the person or persons, or body corporate, making information as aforesaid, shall be authorized to employ counsel to prosecute the same—and the court of common pleas of such said county, or, in vacation, the president judge thereof, shall reduce to writing the evidence given on the part of the commonwealth, and also the evidence which may be given by or on the part of such said bank, to disprove or rebut the evidence on the part of the commonwealth; and if the allegation or information charged shall be substantiated by the testimony to the satisfaction of such said court or president judge, as the case may be, the said court or president judge thereof, the money being unpaid, shall immediately cause the same to be filed in such said court, and on the same being done, the charter of ^{Charter for-} such bank shall be absolutely forfeited—and the said court, ^{feited.} or, in vacation, the president judge thereof, shall thereupon issue a writ directed to the sheriff of the said county, requiring him to close said bank forthwith, and deliver over to three ^{Banks how} such trustees appointed by the said court or judge, and named ^{closed.} in said writ, who shall not be stockholders in said bank, or in any wise concerned directly or indirectly therein, full possession of the books, moneys, keys, property and effects of said bank, which said trustees shall give a bond to the com-^{Trustees.} monwealth before the issuing of the said writ in such sum, and with such security as the said court, or, in vacation, the said judge may direct, for the faithful performance of their duties, and shall be severally sworn or affirmed faithfully and truly to discharge the duties herein required, and the said trustees shall proceed to settle up and close the affairs of any such bank, according to the provisions of the present existing

Proviso.

laws in relation to banks whose charters have been forfeited. *Provided, however,* That the said banks be liable for the fulfilment of all contracts and engagements previously made and entered into by it, and except also that the trustees whose appointment is provided for by this resolution, shall have power to use the corporate name of said bank, and be capable of compelling the fulfilment of any contract or engagement entered into with said bank previously to said forfeiture.

False swearing.

RESOLVED, That the wilful and deliberate false swearing by any officer or agent of any bank, or any other person to or in relation to any statement or statements required by law to be made, or other duty enjoined by law, shall be deemed perjury in law, and punishable as such, and the confinement within the penitentiaries of this state, which is hereby required to be part of the sentence in each such case, on conviction, shall not be less than one nor more than six years.

Pro rata loans to Com'th.

RESOLVED, That the several banks of this commonwealth which have, on or since the ninth day of October last, suspended or refused the payment of their several notes, bills, deposits, or other liabilities, or which shall suspend or refuse the payment of the same on or before the said fifteenth day of January, Anno Domini, eighteen hundred and forty-one, in gold or silver coin, are hereby required to loan and pay to, and for the use of the commonwealth, in a pro rata proportion to their several capital stocks, within the period of one year from the passage of this act, if required, by instalments, in such sums, and at such times as the wants and exigencies of the commonwealth shall require the same, such amount and sum, not exceeding in the whole the sum of three millions of dollars, at an interest not exceeding five per cent. per annum, which shall and may, during the session of the present legislature, be appropriated by law, and directed to be applied to the payment of any deficiency which there may be in the fund pledged for the interest on the State loans, to the debts and damages now due and owing by the commonwealth; to the repairs of the public works; to the continuation and completion of the public works already commenced by the commonwealth; to the expenses incident to the same, and such others as may be directed to be commenced; and to such others of a public character, as it may be deemed advisable to apply the same by law; for which said several sums, when paid, certificates of stock shall be issued in such sums as the lenders thereof may require, and be transferable in such manner as the Governor may direct, reimbursable at such time, not exceeding twenty-five years from the date thereof, as may be agreed upon between the Governor and the banks taking such loan.

How to be applied.

Certificates.

RESOLVED, That until the fifteenth of January next, the banks of this commonwealth shall be authorized to issue

their own notes, and make and declare new loans and dividends, not exceeding six per cent. per annum, in the same manner, as if the said banks, during said period, continued to pay their notes, bills, obligations, and deposite moneys, owing by them in gold or silver. ^{May issue their own notes, declare dividends &c.}

RESOLVED, That so much of any law as is altered or supplied by the foregoing resolutions, is hereby repealed. ^{Acts repealed.}

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The third day of April, eighteen hundred and forty.

DAVID R. PORTER.

[No. 16.]

RESOLUTION

Legalizing certain Elections held in Tioga County.

WHEREAS, By an act of the Legislature passed the thirteenth of February, eighteen hundred and forty, the time of holding township elections in the county of Tioga was changed from the third Friday of March to the third Friday of February: *And whereas*, By reason of delays and irregularities in the mails, several of the townships in said county, to wit: Covington, Brookfield, Liberty, Morris, Deerfield, Rutland, and Union, did not get information of the same, but held their election in March as heretofore; Therefore,

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the elections held in the townships aforesaid, on the third Friday of March, one thousand eight hundred and forty, shall be deemed to have been held, and are hereby declared to have been held legally, and to be good and valid as though they had been held on the third Friday in February, ^{Elections held in Tioga co. on 3d Friday of March 1840 legalized.} ^{Preamble.}

in pursuance of the act of the thirteenth of February, one thousand eight hundred and forty aforesaid.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The third day of April, A. D., one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 17.]

RESOLUTION

Providing payment for Judge Advocates of Courts Martial, and for other purposes.

Preamble.

WHEREAS, There is no provision made by the laws of this Commonwealth for the payment of Judge Advocates of Courts Martial: *And whereas*, J. K. Findlay and Charles M'Clure have recently acted in the capacity of Judge Advocates to Courts Martial, assembled at Carlisle, for the trial of Major Gen. Samuel Alexander, and of Major Samuel Alexander, Captain Jno. M'Cartney, and Lieutenant A. Creigh, and owing to the deficiency of the laws above mentioned, cannot (without special provision of the Legislature) receive a compensation for their services; Therefore,

State treasurer
to pay J. K.
Findlay, and
C. McClure
for services
as judge ad-
vocates.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the State Treasurer be and he is hereby authorized to pay, out of any money in the Treasury not otherwise appropriated, to the said J. K. Findlay, two hundred and fifty dollars, and Charles M'Clure one hundred and twenty-five dollars, as a compensation for their services as Judge Advocates of the Courts Martial, which assembled recently at Carlisle for the trial of Major Gen. Samuel Alexander, and of Major S. Alexander, Capt. Jno. M'Cartney, and Lieutenant A. Creigh, and to charge the same to the account of the Brigade Inspector of the first brigade, eleventh division, Pennsylvania militia.

RESOLVED, That the Brigade Inspector of the second bri-

gade, sixteenth division, be and is hereby authorized and directed to cancel and deliver up the bonds given by members of the Erie Guards and Erie Artillery, for muskets, on their delivering to him the muskets now in the possession of said companies, and that the State Treasurer be and is hereby directed to pay to Capt. James B. Loughhead the amount of expenses incurred by him in recovering State arms, stolen from the arm house of the Erie Artillery, in the borough of Erie.

Brigade in-
specter 2d.
brigade 16th
div. to cancel
bonds.
State treasur-
er to pay J. B.
Loughhead
expenses in-
curring in re-
covering state
arms.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The sixth day of April, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 18.]

RESOLUTION

Authorizing the payment of the claims of Jackson M'Fadden, and for other purposes.

WHEREAS by an act of Assembly passed the thirteenth day of April, Anno Domini, one thousand eight hundred and thirty-eight, the canal commissioners were required to examine and settle the claim of Jackson M'Fadden, a contractor for lock No. second on the Lycoming line, west branch division of the Pennsylvania canal, for damages sustained in the construction of said lock: *And whereas*, the canal commissioners in obedience to the aforesaid act of Assembly did re-examine and settle the claims of said Jackson M'Fadden: *And whereas*, no provision was made for the payment of the same: Therefore,

Preamble.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the State Treasurer be and is hereby authorized and required to pay to Jackson M'Fadden, or to his order, seven hundred and thirty-five dollars, provided the canal commissioners approve the same, out of any money not otherwise

Treasurer to
pay Jackson
M'Fadden the
amount due

Canal comrs. appropriated in the treasury, which now appears to be due to the said M'Fadden upon the settlement of his account and claims, in compliance with the aforesaid act of assembly.

RESOLVED, That the canal commissioners be and they are hereby authorized and directed to cause the damages sustained by Jacob Strickler, in consequence of the location of the rail road lately made to avoid the inclined plane at Columbia through his lands, to be assessed and paid; and that the said commissioners are hereby also authorized and directed to have the dwelling houses of the said Jacob Strickler, in West Hempfield township, near Columbia, which are now in danger of destruction by the location of said rail road near the same, covered in a substantial and safe manner with zinc or slate to secure them from fire from the locomotive engines running on said road, and upon the assessment of the damages sustained by the said Jacob Strickler as aforesaid, the canal commissioners are authorized and empowered to transfer and convey to him all the right, title, interest and property of the commonwealth in and to the piece or tract of land lately conveyed by the said Jacob Strickler to the commonwealth, and the ground taken up by the said rail road adjoining the same, together with the depot and other buildings erected on said tract of land at the head of the said plane, at such valuation as may be agreed upon by the parties in payment of the damages sustained by the said Jacob Strickler, and in case the parties cannot agree upon the value of said land and buildings, the said commissioners shall sell the same at public sale for the best price they can obtain, and apply the proceeds thereof or so much as may be required for that purpose to the payment of the said damages, and pay the balance, if any, into the State Treasury; *Provided*, That the amount of damages sustained by the said Jacob Strickler may be fixed and agreed upon by the said commissioners and said Jacob Strickler, and in case the said parties cannot agree, the same shall be ascertained by the board of appraisers of damages.

Dwelling houses to be protected.

Upon assessment of damages comrs. to transfer the right of the comm'th. to a certain tract of land.

Valuation to be made.

Proviso.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The seventh day of June, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 19.]

RESOLUTION

Authorizing the Commissioners of the county of Clinton to borrow a sum of money, and for other purposes.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That the Commissioners of the county of Clinton are hereby authorized and empowered to borrow any sum of money not exceeding in the whole ten thousand dollars, at any rate of interest not exceeding six per centum per annum, in the name and upon the faith, credit, and responsibility of the said county, and to make such provision out of the taxes of said county, from time to time, as may be necessary to pay the interest upon such loans, and to redeem the principal at such times, and in such manner, as may be conformable to the terms upon which the same may be taken.

RESOLVED, That the Commissioners of the county of Mifflin, in their corporate name, may, and are hereby authorized to subscribe for any number of shares in the stock of the Lewistown and Tuscarora bridge company, that they may deem proper.

RESOLVED, That the expenses of the Commissioners appointed by an act of the General Assembly of Pennsylvania, approved April fourteenth, Anno Domini, eighteen hundred and thirty-eight, to survey and lay out a State road from Henry Peters' to Rodolphus Bingham's, in Pike county, be paid out of the funds appropriated by the above recited act, for the construction of said road, and that any thing contained in said act to the contrary, is hereby repealed, and the said accounts to be settled agreeably to the tenth section of the said recited act.

RESOLVED, The compensation of the assessors for the different wards and townships, in the city and county of Philadelphia, shall be the same as was allowed those officers previously to the passage of the general election bill of second July, eighteen hundred and thirty-nine, and the county commissioners of the county of Philadelphia, are hereby authorized and required to settle the accounts of said assessors in the same manner and form, as the accounts of assessors were settled before the passage of the above mentioned act.

RESOLVED, That the fourth and fifth sections of an act, en-

Part of former act relating to borough of Milton repealed.

Part of borough of Milton annexed to Turbut township.

titled a supplement to the act entitled an act to erect the town of Alexandria, in the county of Huntingdon, into a borough, and to increase the boundaries of the borough of Milton, and for other purposes, passed the fourth day of April, Anno Domini, eighteen hundred and thirty-one, be and the same is hereby repealed, and that the farm of John Sample, situated within the limits of the borough of Milton, in the county of Northumberland, bounded northwardly by lands of Jacob Hower, eastwardly by lands of George Kutz, south by lands of Andrew and Simon Folmer, and west by John M. Honsel's lands, &c., containing eighty acres, six perches and allowance, &c., and also the farm of Samuel Hepburn, now in the occupation of John Stadden, situated also within the limits of the said borough, containing ninety-two acres fifty-eight perches, &c., extending from Locust alley eastwardly, to lands of Samuel Morrison, and others, and southwardly from the Washington road, &c., to lands of Philip Faust, and others, be and the same are hereby separated, excluded from, and taken out of the limits of the said borough of Milton, and attached to and made part of the township of Turbut, of which, before the annexation to the said borough, they formed part, and that so much of the act incorporating said borough, and its supplements, as bear upon and embrace the said territory included within the said farms, be and the same are hereby repealed.

Milton borough street comms.

Proviso.

2d Proviso.

3d Proviso.

RESOLVED, That from and after the passage of this act, it shall be the duty of the town council, in the borough of Milton, in Northumberland county, annually, to appoint two persons to the office of street commissioners, who shall be subject to the direction of said council: *Provided*, Said directions are within the scope of the powers granted said council by the act of assembly incorporating the said borough, and its supplementary acts: *And provided moreover*, That each and every citizen of the said borough shall always have the privilege of working out his own road tax, and also of making such other public improvements on the streets and sidewalks, in front of his property, as may be directed by said council: *Provided*, That in the making of the same, the directions of the council be fully complied with, in order to cause no delay, and render the said improvements regular and uniform.

Milton borough part of act relative to supervisors repealed.

RESOLVED, That so much of the seventh section of the act of assembly, passed the twenty-sixth of February, one thousand eight hundred and seventeen, incorporating the said borough of Milton, and so much of the second and third sections of the act of the twenty-third of January, one thousand eight hundred and twenty-nine, and so much also of every other act or acts of assembly, as relates to the election, powers, duties, and so forth, of supervisors of the public roads and highways within the said borough of Milton, or is

altered or supplied by this act, be and the same are hereby repealed.

RESOLVED, That it shall and may be lawful for the commissioners of the county of Lycoming to appropriate, out of the funds in the treasury of said county, such sum or sums of money, for the opening, constructing, or repairing of public roads, as shall or may be recommended by the grand jury, and approved by the court of quarter sessions of said county: *Provided*, That no sum of money appropriated, as aforesaid, shall be paid to the supervisors of any township, until they shall give bond to the county of Lycoming, with sufficient surety, to be approved of by the commissioners in double the amount of the sum appropriated, conditioned for the faithful application of the amount of such appropriation.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The ninth day of April, Anno Domini, eighteen hundred and forty.

DAVID R. PORTER.

[No. 20.]

RESOLUTION

Relative to certain undrawn balances in the School Fund.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the balance of the appropriations made under the act entitled "An act to establish a General System of Education by Common Schools," passed the first day of April, one thousand eight hundred and thirty-four, and the several supplements thereto, and the balance of the first appropriation of one hundred thousand dollars, and all subsequent balances which shall remain undrawn on the first day of November, one thousand eight hundred and forty, and all subsequent balances, shall remain in the treasury and accumulate for the use of such district or districts entitled to the same, for any time not

School fund undrawn balance to remain in treasury till first November 1841.

exceeding one year from the first day of November, one thousand eight hundred and forty; and all such undrawn balances remaining in the treasury on the first day of November, one thousand eight hundred and forty-one, shall be repaid into the Common School fund, and in like manner the undrawn balances of subsequent appropriations shall be repaid into the said fund annually thereafter.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The thirteenth day of April, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 21.]

RESOLUTION

Relative to contingent expenses in Land Office.

Contingent
expenses land
office.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the sum of four hundred dollars, be and the same is hereby appropriated, for the payment of the contingent expenses of the Land Office, or so much thereof, as is necessary for the payment of the said expenses, and to be settled and accounted for, as directed by law.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The thirteenth day of January, eighteen hundred and forty.

DAVID R. PORTER.

[No. 22.]

RESOLUTION

Making an appropriation to erect a bridge over the West Branch of the Susquehanna, at Karthaus.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the Governor of this Commonwealth, be and he is hereby authorized and required, to draw his warrant on the State Treasurer, in favor of the president and managers of the Milesburg and Smithport turnpike road company, for the sum of seven thousand two hundred dollars, which amount is to be specifically applied by the said president and managers, to the construction of a bridge over the West Branch of the Susquehanna, at or near Karthaus, which bridge shall be built in conformity with a plan and specification, which shall be furnished by one of the principal engineers in the service of the state, who shall be designated for that purpose, by the board of canal commissioners, and when the bridge aforesaid, shall be finished, the president and managers of the Milesburg and Smithport turnpike road company, shall charge tolls for passing over the same, equal to the tolls respectively charged by the said company, on all vehicles, cattle, droves, and horses, travelling over ten miles of said turnpike road, and the said company shall semi-annually, on the second Tuesday in January, and July, pay into the state treasury, for the use of the commonwealth, the nett proceeds of tolls received for passing said bridge, after deducting all necessary charges of superintendence and repairs.

Appropriation
\$7,200 to
erect a bridge
over the
West branch
Karthaus.

How to be
built.

Tolls.

WM. HOPKINS,

Speaker of the House of Representatives.

W. T. ROGERS,

Speaker of the Senate.

APPROVED—The thirteenth day of June, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 23.]

RESOLUTION

Authorizing Rebecca H. Duncan, Thomas Duncan, and Benjamin S. Duncan, to pass the bridge at Duncans Island, free of toll, and for other purposes.

To pass and
repass bridge
free of toll.

RESOLVED, By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That Rebecca H. Duncan, Thomas Duncan, and Benjamin S. Duncan, owners and occupiers of an Island in the river Susquehanna, in Halifax township, Dauphin county, at the mouth of the Janiata river, be permitted to pass the tow path bridge from said Island, to the eastern shore of the river Susquehanna, and back, free of toll: *Provided*, That the privileges hereby granted, shall be deemed and taken as a full compensation for any damages done to the said Rebecca H. Duncan, Thomas Duncan, and Benjamin S. Duncan, occasioned by the location, and in the construction of said bridge, and Pennsylvania canal.

Proviso.

Washington
and Pittsburg
turnpike co.
to abandon
part of road.

RESOLVED, That it shall and may be lawful, from and after the passage of this act, for the Washington and Pittsburg turnpike road company, to abandon that portion of said road, which lies between Thomas Jones' Ferry, and the Monongahela bridge, and that the same is hereby transferred to the township through which the same passes, as a township road.

Richard Batturs, licensed
as an auctioneer for the un-
expired term
of his comms.

RESOLVED, That Richard Batturs, of the city of Philadelphia, late of the firm of Batturs, Okie, and Co., is hereby licensed as an auctioneer of the said city, for the period of four months and eighteen days, and no longer, to be computed from the time he shall re-commence business as an auctioneer, with the powers, privileges and liabilities, conferred by the license paid for and granted to him, for one year, by virtue of his commission, bearing date the thirty-first day of January, one thousand eight hundred and thirty-nine, but not used by him for the last four months and eighteen days, of said year - *Provided*, That the said Richard Batturs, shall not enter upon the said business of an Auctioneer, until he furnishes the security required by law, for the payment to the State, of all duties and taxes which may become due in consequence of his exercising the said business, and until he procures the consent of

Proviso.

To give secu-
rity.

the remaining partners of the said late firm of Batturs, Okie and Co.,

WM. HOPKINS,

Speaker of the House of Representatives.

WM. T. ROGERS,

Speaker of the Senate.

APPROVED—The fourteenth day of April, eighteen hundred and forty.

DAVID R. PORTER.,

[No. 24.]

RESOLUTIONS

Relative to the Public Buildings and Public Grounds.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met,* That the sum of two thousand three hundred dollars is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the special purpose of paying the balance due by the commissioners, appointed under a resolution approved the twenty-fifth of June, one thousand eight hundred and thirty-nine, to the architect for constructing a building to serve as an office for the Auditor General, to be paid on the warrant of the Governor.

Appropriation \$2,300 to pay balance due for building offices of Auditor Gen.

RESOLVED, That the sum of two thousand seven hundred dollars is hereby specifically appropriated towards the completion of the improvement of the public grounds, as is directed by the resolution of the twenty-second day of May, Anno Domini, one thousand eight hundred and thirty-nine, to be drawn by the commissioners appointed in said resolution on the warrant of the Governor, in such sums as may be requi-

\$2,700 to complete improvement of public ground

red, out of any moneys in the Treasury not otherwise appropriated.

WM. HOPKINS,
Speaker of the House of Representatives.
 EBEN'R. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini, one thousand eight hundred and forty.

DAVID R. PORTER.

[25.]

RESOLUTION

To authorize the Directors of the Poor and of the House of Employment of the county of Northampton, to sell and convey real estate and administer oaths, and to authorize the School Directors of the borough of Easton, in said county, to fix the minimum age at which children in said borough shall be admitted into the common schools, and for other purposes.

RESOLVED, By the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That it shall be lawful for the Directors of the Poor and of the House of Employment of the county of Northampton to sell and convey, either at public or private sale, all the real estate of any person or persons who may become chargeable under the poor laws to the said county, or so much thereof as they or a majority of them may deem expedient, and suitable conveyances made to the purchaser or purchasers therefor, and to apply the proceeds of such sale according to the thirty-third section of the act of the thirteenth of June, Anno Domini, one thousand eight hundred and thirty-six, entitled an act relating to the support and employment of the poor.

Powers of directors of the poor of Northampton co.

Administer oaths.

School directors admit children. certain age.

RESOLVED, That the said directors, in addition to the powers which they now have by law, are hereby severally authorized and empowered to administer oaths and affirmations in all cases whatsoever relating to their official duties.

RESOLVED, That the school directors of the borough of Easton, in the county of Northampton, shall have power to fix the minimum age at which children shall be admitted into

the common schools of the said borough, at six years, if in their opinion the cause of education will be thereby promoted.

RESOLVED, That the four several deeds heretofore executed by Catharine Strahan, administratrix, with the will annexed of Gregory Strahan, late of the city of Philadelphia, deceased, in pursuance of the order or decree of the Orphan's Court for the city and county of Philadelphia to Charles Strahan, now of the city of Washington, and late of said city of Philadelphia, be and the same are hereby confirmed as fully to all intents and purposes as if the said Orphan's Court had been vested with jurisdiction in the premises at the time of making the said order or decree.

Admin. of
Gregory Stra-
han deeds con-
firmed.

RESOLVED, That the Directors of the Poor and House of Employment of the county of Perry, be and they are hereby authorized to sell and convey one or more lots of the land held by the said directors for the support of the poor of said county, and to make and execute under their hands and seals such deeds of conveyance as will completely vest the title in the purchaser or purchasers thereof.

Directors of
poor Perry co.
sell certain
lands.

RESOLVED, That the Orphan's Court of Bucks county is hereby authorized and empowered to direct security by mortgage on real estate to be given by Andrew Brunner, for the payment over to his children at his death of such share of his deceased wife, Magdalena Brunner, in the estate of her father who died intestate, as he is entitled to the interest of during his natural life, and upon his giving such security to the satisfaction of said court, to direct the said money to be paid to him.

Andrew Brun-
ner security
how given.

RESOLVED, That the Steward for the time being, appointed by "the directors of the poor and house of employment for the county of Chester, shall be, and is hereby authorized to take the necessary examination of paupers and witnesses touching the residence of such paupers, and the justice of their claim to relief, and assistance from said county, and for such purpose, to administer the requisite oaths and affirmations required by existing laws, to be administered by a justice of the peace in such cases.

Steward of
Chester co.
poor house
may examine
witnesses.

RESOLVED, When any person has, or shall become chargeable on the county of Chester, aforesaid, the directors of the poor in said county, are hereby authorized to depute and empower any constable, or other suitable person, to in the name of the directors, sue for, recover, and collect any money due, or to take charge of, and sell any property belonging to such pauper, during his or her life, or which it shall be discovered after his, or her death, were due or belonging to him or her, in the same manner, and as fully and effectually as the said directors may or can now personally do, and the said constable, or other person, shall within twenty days after the recovery thereof, pay over the said money, or the proceeds of

Property of
paupers how
disposed of

such sale, to the said directors, to be applied or disposed of as is required by the first section of the act passed the twenty-ninth day of March, one thousand eight hundred and nineteen, entitled "an act relative to paupers," and the said directors may allow to such constable or other person, a reasonable compensation for the duties by him performed, not exceeding five per cent on the amount so recovered.

Debts Swatara bank how collected and distributed.

RESOLVED, That John Neilson, late cashier of the bank of Swatara, is hereby authorized to attend to the collection of the outstanding claims of the said bank, and to receive and receipt for the moneys so received, and that he is authorized to pay to Thomas Masterton, out of the proceeds of the real estate of the said Masterton, when sold under the process of the said bank, a sum not exceeding five hundred dollars; and whenever from time to time the said John Nielson shall receive moneys on the claims of the said bank, he shall report the same to the court of Common Pleas of Dauphin county, who shall, as often as they may deem expedient, appoint an auditor or auditors to distribute the same among such of the stockholders, or their legal representatives or assigns, as the said auditor or auditors shall consider entitled to the same, and before making such distribution the said auditor or auditors shall give notice by publication, in such newspapers as the said court shall direct, the first publication to be twenty days before the day appointed for making distribution, and the said auditor or auditors shall have power to adjourn from time to time as he or they may deem expedient, and shall make report of such distribution to the said court, who may correct, set aside, or refer back the same or confirm it, and when confirmed by the said court the same shall be conclusive upon all the stockholders of the said bank, or their heirs, assigns or legal representatives, and upon all persons interested, and the said court shall order the said John Nielson to pay over such money, according to the report and distribution confirmed: *Provided*, That the said court at the time of the said appointment, or the said auditor or auditors, shall make an allowance to the said John Nielson for his services in behalf of the said bank, since the dissolution of the same.

Court of Com Pleas. of Dauphin co. to appoint auditors.

Notice.

Proviso.

RESOLVED, That the said John Nielson is hereby authorized to institute an ejectment or ejectments to recover any lands which he has purchased, or may hereafter purchase for the use of the said bank, or such of its stockholders entitled thereto, and sold under the process of the said bank, and to pay the fees of counsel and other expenses attending the sale, and recovery and attention to the same, out of any moneys which may have been received by him, or which he may hereafter receive belonging to the said bank or its stockholders, before distribution shall be made as is hereinbefore provided.

institute ejectments.

RESOLVED, That the said auditor or auditors shall also exa-

mine the distribution heretofore made by the said John Niel-Auditors to son, of moneys received by him on the claim of the said bank ^{examine former distribu-} since its dissolution, or ceasing to act, and if their report of the same shall be confirmed by the said court, it shall be final and conclusive upon all persons whatsoever, and the payments to him of money collected on the claims of the said bank since its dissolution, or ceasing to act, are hereby validated and confirmed.

RESOLVED, That James Paul, trustee of Rachael Paul, ^{Trustee of} under the last will and testament of Phebe Knight, late of Rachael Paul Bensalem township, in the county of Bucks, deceased, and ^{to sell certain} his successors in office, be, and he or they are authorized and ^{real estate.} empowered to sell, either publicly or privately, for such price as he or they may deem best, or upon ground rent on the usual terms, if he or they shall believe it most advantageous,

all that bank, lot, or piece of ground, situate on the west side of Water street, between Market and Chesnut streets, in the city of Philadelphia, beginning in the west line of the said Water street, as now widened at the distance of thirty-five feet northward from the north side of Chesnut street, and containing in front or breadth, on said Water street, fifteen feet six inches, and extending in length or depth westward, between parallel lines, at right angles with the said Water street, thirteen feet three inches, bounded northward by grounds of David Winebrenner, southward by ground of Josiah Dawson, eastward by said Water street, and westward by ground of James McGill; and also to make good and sufficient deeds of conveyance therefor, either in fee simple, or ^{To make deeds, &c.} upon ground rent; and in case of the latter, to execute a deed of extinguishment of such ground rent to the purchaser or purchasers thereof, his, her, or their heirs and assigns, upon payment of the principal sum of the ground rent; and the said purchaser or purchasers shall hold the said premises clear, and discharged from any trust whatsoever, as declared by said will, in favor of the said Rachael Paul, or her children: *Provided*, That before the execution or acknowledgment of any such deed or deeds, the same shall be approved by the orphans' court of Philadelphia county: *And provided also*, ^{2d Proviso.} That the said trustee or trustees, before any such conveyance shall be valid, shall give bond in such sum, and with such ^{Trustees to} security, as may be approved by said court, conditioned for ^{give bond.} the faithful and proper application of all moneys that come into his or their hands, in pursuance of any sale or conveyance made under authority of the law, for the same uses and purposes, and for like trusts, as are declared by said last will and testament of, and concerning said premises.

WHEREAS it has been represented by the Trustees and ^{Preamble.} Members of the Methodist Episcopal Church, in the borough of Strasburg, Lancaster county, that in consequence of their

having built a new church in the said borough, the old church belonging to said society, situate in Decatur street in said borough, is unoccupied and is of no further use to them as a place of worship, and that it would be a benefit to have the ground on which said church is erected, or so much of the ground together with the church as may be agreed on by the said trustees and members, sold ; Therefore,

Trustees of
Methodist
Epis. church
Strasburg to
sell certain
real estate.

RESOLVED, That the trustees of the said Methodist Episcopal Church, be and the same are hereby authorized and empowered to sell and convey by good and sufficient deed or deeds of conveyance, either at public or private sale, the said old church and so much ground as they or a majority of them shall deem best and most expedient, and that the proceeds of the sale of the same be appropriated towards defraying the expense of erecting the new Methodist Episcopal Church erected in the said borough.

Clearfield
town Clear-
county erect-
ed into a bo-
rough.

RESOLVED, That Clearfield town, in the county of Clearfield, shall be and the same is hereby erected into a borough, under the name and title of the borough of Clearfield; the extent and boundaries of which shall be as follows : beginning at a point on the Susquehanna river about sixty feet south of Walnut street, thence east until it strikes the west line of Hugh Levy's out-lot so as to include the houses and lots now occupied by Dr. H. Lorain and Joan Powell, thence north along said lot of Hugh Levy until it again strikes Walnut street, thence east along the southern edge of Walnut street to Fourth street, thence north along the eastern edge of Fourth street to Pine street, thence west along the northern edge of Pine street to the Susquehanna river, and along said river by its several courses to the place of beginning, to include the town of Clearfield, as at first laid out, according to the plan thereof, and the two lots south of said town now occupied by said Dr. H. Lorain and Joan Powell, as above described.

Boundary.

Election of
Justices
Peace.

RESOLVED, That the qualified voters of said borough are hereby authorized to elect one justice of the peace for said borough, at the time and place of holding the general election for said borough, which said election shall be held and conducted at the same time and by the same officers holding the general elections on the second Tuesday of October, Anno Domini, one thousand eight hundred and forty, whose commission shall expire at the same time that the commissions of those now in office expire, after which time the justices for said borough shall be elected as provided for in the act entitled an act providing for the election of aldermen and justices of the peace, passed the twenty-first day of June, Anno Domini, one thousand eight hundred and thirty-nine, which said justice shall be considered as elected under the above recited act, and liable to all its penalties and provisions in the discharge of his official duties, and the Governor is hereby authorized to

commission the person who shall be elected at said election, and returned to him in like manner and with all the privileges, as if he had been elected on the third Friday of February last.

WHEREAS, It is represented, that Thomas Proctor, high sheriff of and for the city and county of Philadelphia, conveyed certain real estate, to wit: two lots in the Northern Liberties, of the city of Philadelphia, by deed, bearing date the seventh day of March, Anno Domini, one thousand seven hundred and eighty-five, to Matthew Clarkson, and the said Mathew Clarkson, by a certain declaration of trust in writing, bearing date January fourth, one thousand seven hundred and eighty-six, recorded in the office for recording deeds, for the city and county of Philadelphia, in deed book, E. F. number seven, page six hundred and fifty-nine, declared, that he held the same in trust, for himself and William Ball, as joint purchasers thereof, upon certain terms and conditions in the said declaration of trust specified: *And whereas*, the consideration money for the said property was paid by the said William Ball, and the said Mathew Clarkson has since departed this life, without conveying said property to said William Ball, as in said declaration is stipulated and set forth, and William W. Ball, and George B. W. Ball, are possessed of and entitled to the said lots, under the will of the said William Ball, who died possessed thereof: *And whereas*, the said William W. Ball, and George B. W. Ball, are anxious to acquire a proper title thereto, and are unable to ascertain the names of all the descendants of the said Mathew Clarkson, by reason of the removal of some of them out of this commonwealth.

Now therefore,

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the court of Common Pleas for the county of Philadelphia, be and the said court is hereby authorized and empowered, on the filing of a bill in equity, by the said William W. Ball, and George B. W. Ball, in the said court, to sue a writ of subpœna, according to the equity, practice of the said court, directed to the sheriff of the said county of Philadelphia, who shall serve the same on such of the parties, defendants in such bill named, as can be found by him within his bailiwick, and shall give notice of the said writ, to all other persons, whether parties, defendants, or not interested in the said matter, by publication of the said writ of subpœna, in one of the daily newspapers published in the city of Philadelphia, once a week, for six successive weeks, and on the return of the said sheriff to the said writ of subpœna, it shall and may be lawful for the said court, to proceed according to the course of their equity, practice to make any judgment or decree in the said case, to hear and try the same, and to render such

Preamble.

Court of Common Pleas, Phila. Philadelphia, be and the said court is hereby authorized and empowered, on the filing of a bill in equity, by the said William W. Ball, and George B. W. Ball, in the said court, to sue a writ of subpœna, according to the equity, practice of the said court, directed to the sheriff of the said county of Philadelphia, who shall serve the same on such of the parties, defendants in such bill named, as can be found by him within his bailiwick, and shall give notice of the said writ, to all other persons, whether parties, defendants, or not interested in the said matter, by publication of the said writ of subpœna, in one of the daily newspapers published in the city of Philadelphia, once a week, for six successive weeks, and on the return of the said sheriff to the said writ of subpœna, it shall and may be lawful for the said court, to proceed according to the course of their equity, practice to make any judgment or decree in the said case, to hear and try the same, and to render such

judgments or decrees therein, as to them, in equity, and good conscience may seem proper, and if the said court shall adjudge and decree, that the said lots or any part thereof, is in equity, the property and right of them, the said William W. Ball, and George B. W. Ball, or either of them, in fee or otherwise, the said court is hereby required to appoint a master for the purpose hereinafter mentioned, and to direct him to make, seal, and deliver any deed or deeds, in the form or forms, to be by the said court specified to the said William W. Ball, and George B. W. Ball, or either of them, for the said lots, or such part thereof, in fee or otherwise, as the said court may decree, and such deed or deeds, shall be as valid as if the same were executed by all and every person and persons, having in him, her, or them, any right, title or interest in, or to the said lots or any part thereof, in law or equity, howsoever, and any order, judgment and decree, which may so as aforesaid, be made by the said court, shall be final and conclusive upon all and all manner of persons whatsoever: *Provided however*, That the said bill shall be accompanied by the affidavit of the said William W. Ball, and George B. W. Ball, made before the Prothonotary of the said court of Common Pleas, setting forth, that they have named in their bill, as parties defendants thereto, all the heirs of the said Mathew Clarkson, known by name to them, or either of them.

Proviso.

Union Bethel meeting house and lot of ground autho ized to be sold.

Proceeds how applied.

Proviso.

2d Proviso.

To give bond.

Directors poor Franklin co. to perform certain duties.

RESOLVED, That Andrew J. Kauffman, Israel Brady, and George Rupley, or any two of them, be and they are hereby authorized and empowered to sell and convey the Union Bethel Meeting house, in the borough of Columbia, Lancaster county, together with the lot of ground whereon it now stands, and to execute a deed in fee simple to the purchaser thereof, which said deed of conveyance shall be held available in law to all intents and purposes, and the proceeds of the said sale shall, after deducting all necessary expenses be applied by the said Andrew J. Kauffman, Israel Brady, and George Rupley, to the discharge of the debts which are now due and owing in consequence of the erection of the said meeting house: *Provided*, That nothing herein contained shall be so construed as to effect the rights of any person or persons whatever: *And provided further*, That before the sale of the said building, the said Andrew J. Kauffman, Israel Brady, and George Rupley, or any two of them, shall give bond, to be approved of by the judges of the Orphan's court of Lancaster county, for the faithful application of the purchase money, to the discharge of the debts as aforesaid.

RESOLVED, That the directors of the poor and of the house of employment, for the county of Franklin, shall from time to time secure, provide for, and employ all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in said county of Franklin, and any such

poor and indigent persons as aforesaid shall be admitted into the house of employment, on an order for that purpose, granted by any one of the said directors, or by one justice of the peace of said county, or upon a legal order of removal from any other county within this commonwealth, for which services no justice of the peace shall be entitled to fees or reward; and the board of directors shall have authority to grant such other relief as they may judge right, and to discharge from said house of employment of the said county of Franklin, every pauper whom they shall deem to possess sufficient mental and bodily ability to take care of him or herself, and to provide for his or her maintenance and support; but such pauper so discharged may at any time thereafter be re-admitted in the manner aforesaid, and any pauper whose legal settlement shall not be in said county of Franklin, may be admitted into the house of employment by the board of directors, whenever they shall deem it expedient upon such terms, and to be discharged therefrom in such manner as shall be provided by their ordinances, rules and regulations.

RESOLVED, That the said directors, or a majority of them, Oath of paupers shall have power and authority to examine, under oath or affirmation, any poor person or persons residing or being in said house of employment, touching his or her place of legal settlement.

RESOLVED, That the directors of said institution, or either of them, shall have like powers with justices of the peace, to administer an oath or affirmation to any person or persons, touching or concerning any matter or thing connected with the business of said corporation, and the steward of said house of employment, in the absence of said directors, and by their order, shall have like powers with said directors to administer oaths or affirmations, as in this and the preceding section. Directors powers.

RESOLVED, That it shall be lawful for said directors, or a majority of them, in the case of any person in their charge as a pauper, owning or possessing any real estate or interest in real estate, to apply to the court of Common Pleas of the county of Franklin, or any other counties in this commonwealth, where the said property may be situated, by petition, praying the said court to grant them an order to make sale of said real estate or interest therein, for the support and maintenance of said pauper; and the said court, if they deem it advisable after considering the said application, shall grant an order to said directors to make sale of said real estate or interest therein, or any part thereof, on such terms as the said court shall think advisable, and the said directors shall, in pursuance of said order, offer said real estate or interest therein for sale on the premises, at public sale, and sell the same by public outcry, after giving at least twenty days notice of the time and place of said sale, by ten handbills, or by adver- Sale of property of paupers

tisement in a newspaper in the county where said property is situate, which sale so made, the said directors shall return to said court, and after confirmation of the same shall execute and deliver to the purchaser a deed of conveyance for said estate, on the purchasers full compliance with the terms and conditions of said sale, which deed so made shall vest the property therein described in the grantee, as fully and effectually as the said pauper held and enjoyed the same, and the said directors shall apply the proceeds of said sale, or as much as may be necessary to the support and maintenance of said pauper, and if any balance shall remain after his or her death, and after deducting funeral expenses, said directors shall pay over said balance to the legal representatives of said pauper, on demand made, and security being given to indemnify said directors from the claims of all other persons.

RESOLVED, That the board of property, upon application for that purpose by the heirs or personal representatives of Samuel Meredith, whose lands fell within the State of New York, on running the north boundary line between this State and the said State of New York, shall ascertain the amount of the payment made by the said Samuel Meredith, for the lands, as aforesaid, and shall certify the same to the State Treasurer, who shall, thereupon, deliver a certificate or certificates of such sum, with interest thereon, from the time of the payment, to the said heirs or personal representatives, who may be entitled to the same, as aforesaid, and enter a credit in his book for the same, which may be transferred to any person, and passed as credit, either in taking out new warrants in any part of the State where the land may be found, or in payment of arrears of former grants.

Samuel Meredith's heirs to receive compensation for certain lands.

RESOLVED, That the commissioners named in the act entitled "A supplement to the act entitled 'An act regulating the ascents and descents, and culverting and grading certain portions of the districts of Southwark, Moyamensing, and Passyunk,' passed the twenty-first day of June, one thousand eight hundred and thirty-nine," or any three of them, shall have full power and authority to construct, without delay, a sufficient culvert in Thirteenth street, from Pine street to Christian street, and thence along Christian street to the river Delaware, for the purpose of carrying off the water which collects in the southern part of the city of Philadelphia, and in the northern part of the township of Moyamensing, in the county of Philadelphia, and in that part of the district of Southwark, through which the said culvert passes; and the said commissioners are hereby authorized and empowered, under the approbation of the auditor of the county of Philadelphia, from time to time, and until the said culvert shall be fully completed, to draw their warrants upon the treasurer of the said county, for such moneys as shall be

Comm'rs. to erect culvert in 13th street Philad.

How paid.

necessary to complete the same; and the said commissioners shall be allowed the sum of two dollars for each and every day they shall be employed in the performance of the duties by this act required, to be paid on warrants drawn, as aforesaid; and the treasurer of the county of Philadelphia shall pay the warrants so drawn by the said commissioners, out of any moneys in his hands belonging to the county of Philadelphia.

RESOLVED, That it shall be the duty of the commissioners named in the bill to which this is a supplement, to report to the commissioners of the county of Philadelphia, as soon as they shall have determined the same, the course, distance, and dimensions of a culvert, of sufficient strength and capacity to carry off the water from Pine and Thirteenth streets, in the city of Philadelphia, with all the water that may flow into the same through the township of Moyamensing and the district of Southwark, into the river Delaware; and as soon as the county commissioners shall receive said report, they shall advertise in two or more daily papers published in the city of Philadelphia, for one month, inviting sealed proposals for the construction of said culvert, agreeably to the plan and specifications to be provided by the commissioners named in the act above alluded to; which sealed proposals shall be opened in the presence of, and submitted to the county board; and no contract for the construction of said culvert shall be made and entered into by said county commissioners, without the consent in writing, for that purpose first had and obtained by them, from a majority of the whole number of members composing said county board; and in case the county board shall not deem it expedient to accept proposals for the construction of all of said culvert at one time, they are hereby authorized to direct the said county commissioners to advertise, from time to time, for proposals for the construction of so much of said culvert as they may think proper; the said proposals to be subject to the regulations, as above provided; and the county board shall have power to appoint a suitable person to superintend the construction of said culvert, and to fix his compensation for the same.

Report to whom made.
Notice for proposals.
Contract.
Superintendent.

RESOLVED, That the county commissioners of the county of Philadelphia, be and they are hereby authorized to open Green street, from the Frankford road to Front street, on the same range as now opened northeastwardly in the Kensington district of the Northern Liberties; the damages accruing to the owners of property in opening said street, to be assessed and paid in like manner as is provided by the laws of this commonwealth, regulating the opening of streets in the county of Philadelphia; and that the said commissioners be authorized to vacate Canal and Lake streets, as laid down in the plan of the first survey of the division of the Kensington dis-

Com. Phila. co. to open Green street.
Damages how assessed.
Vacate Canal and Lake st.

trict of the Northern Liberties, if they may deem the same advisable.

Com. to open
Queen street
Phila.

Canal street
vacated.

RESOLVED, That the commissioners of the city and county of Philadelphia, are hereby authorized and required to open Queen street, from the Frankford road to Front street, in the same range as now opened from the Frankford road, north-eastwardly in the Kensington district, in lieu of Lake street, as surveyed and laid down in the plan of the survey of the first division of the Kensington district of the Northern Liberties, and that Canal street, as laid down in said survey, be and the same is hereby vacated

Certain acts
relating to su-
pervisors in
Tioga county
repealed.

Two supervi-
sors.]

RESOLVED, That from and after the passage of this act so much of the eighty-first section of the act of the fifteenth day of April, eighteen hundred and thirty-four, relating to counties and townships, and county and township officers, as requires the election of three supervisors in each township, shall have no force or effect in the county of Tioga, and it shall be the duty of the electors of every township in the said county to elect on the third Friday of February next, and annually thereafter, two supervisors who shall serve for one year, and shall perform the duties and be subject to the responsibilities provided by the said act relating to counties and township, and county and township officers.

Widen Cal-
lowhill street
Philad.

Proviso.

Market house
receipts.

Proviso.

RESOLVED, That the county commissioners of the county of Philadelphia be and they are hereby authorized, with the consent of the county board, to widen Callowhill street, in the county of Philadelphia, from Fourth street to the river Delaware, to a width corresponding with the width of said Callowhill street, from Seventh to Fourth street, and the damages accruing to the owners of property in (evidencing) the same, shall be assessed and paid in like manner as is provided by the laws of this commonwealth, regulating the opening of streets in the incorporated districts of the county of Philadelphia, but in such assessment of damages no property held by the district of the Northern Liberties shall be assessed; *Provided*, That the said commissioners shall forthwith widen the Squares from the Delaware river to Front street, and erect a market house thereon, and if upon consideration of the advantages to the county, and the receipts from the said Market house into the county Treasury, the said commissioners shall deem it expedient to widen the remaining squares and erect market houses along said Callowhill street, they are hereby authorized to do the same, continuing the said market houses from Front street west until they reach Fourth street: *Provided*, That the said county commissioners shall collect and pay into the county treasury the proceeds arising from the said market house or houses for the use of the county.

RESOLVED, That the county commissioners of the county of Philadelphia be and they are hereby authorized with the

consent of the county board to grade and improve Broad street in the same manner as the northern part of said street has been provided for, from Prime street to Second street road; *Provided*, That the amount to be expended in improving said Broad street shall not exceed the amount paid by the county commissioners upon the northern section of said street; *And provided, also*, That no damages shall be paid out of the county treasury for any ground that may be required in completing said improvement.

RESOLVED, That the time for opening books of subscription, provided for in the first section of the act, to authorize the Governor, to incorporate a company to make a turnpike road, to connect the Williamsport and Elmira rail road, with the Blossburg and Painted Post rail road, be, and the same is hereby extended to the second Monday, of September, Anno Domini, one thousand eight hundred and forty; that Thomas B. Patterson, John G. Boyd, and Thomas Dyer, of Tioga county, and Robert Allen, of Lycoming county, be added to the commissioners heretofore appointed, and that the title of the company, shall be the Blossburg and Ralston turnpike company, and the said turnpike road, shall commence, at or near Blossburg, in Tioga county, and terminate, at or near Ralston, in Lycoming county. The election mentioned in the seventh section of the said act, shall be held annually on the second Monday of July. So much of the said act, as is altered or supplied, is hereby repealed.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-first day of April, eighteen hundred and forty.

DAVID R. PORTER.

[No. 26.]

RESOLUTION

To provide for the expenses of Government.

Loan of
\$200,000 au-
thorized.

When to be
reimbursed.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*: That the Governor be, and he is hereby authorized to borrow on the credit of the commonwealth, the sum of two hundred thousand dollars, at an interest not exceeding five per cent per annum, payable half yearly, and to be reimbursed at any time within one year from the passage of this act, and he shall issue negotiable certificates of stock for the same, transferable on the books of the Auditor General or the bank of Pennsylvania, by the owner or owners thereof, and upon such transfer new certificates shall be issued by the Auditor General and State Treasurer, and the interest upon the said stock shall be paid at the treasury, or at the bank of Pennsylvania, as shall be agreed by the Governor, and the original purchaser of the said stock, which said sum shall be paid into the treasury for the use thereof.

Contingent
expenses for
office of state
treasurer.

RESOLVED, That the sum of one hundred and fifty dollars per annum, in addition to the sums now allowed by law, be appropriated to pay the contingent expenses of the State Treasurer; said additional allowance to be computed from the first day of November last.

Preamble.

WHEREAS, the new Constitution of Pennsylvania postpones the meeting of the legislature one month later than the old constitution, and it is desirable that the termination of the financial year should be postponed to correspond: Therefore,

RESOLVED, That hereafter the financial year shall terminate on the thirtieth day of November, in each year.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-first day of April, eighteen hundred and forty.

DAVID R. PORTER.

[No. 27.]

RESOLUTION

Authorizing the payment of the claim of Reuben Winslow, of Chester county.

WHEREAS, By an act of Assembly, passed the thirteenth day of April, Anno Domini, one thousand eight hundred and thirty-eight, the board of appraisers of damages, were required to examine and settle the claim of Reuben Winslow, for damages, on the Columbia and Philadelphia rail road : *And whereas*, the board of appraisers of damages, in obedience to the aforesaid act of Assembly, did examine and settle the claims of the said Reuben Winslow : *And whereas*, no provision was made for the payment of the same : Therefore,

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the State Treasurer be and hereby is authorized, to pay to Reuben Winslow, of Chester county, or to his order, the sum of one thousand dollars, out of any moneys not otherwise appropriated, in the treasury, which sum appears to be due to the said Reuben Winslow, upon the settlement of his claims for damages, in compliance with the aforesaid act of Assembly.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-ninth day of February, one thousand eight hundred and forty.

DAVID R. PORTER.

[No. 28.]

RESOLUTION

For the relief of Okey Hendrickson, attorney in fact for George M'Dowell, and for other purposes.

George McDowell damages.
Proviso.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met:* That the Canal Commissioners be, and they are hereby authorized and required to draw their warrant on the State Treasurer, for the amount awarded by the board of appraisers, on the fifth day of November, Anno Domini, one thousand eight hundred and thirty-eight, to Okey Hendrickson, attorney in fact for George McDowell, for damages sustained by reason of the construction of the Beaver division of the Pennsylvania canal, in Mercer county, but which award was signed only by two members of the board of appraisers: *Provided,* The said Board of Canal Commissioners are satisfied that the said award is in all other respects right and proper.

Trustees of Greensburg academy reduced.

RESOLVED, That the board of trustees of the Greensburg Academy, in the borough of Darlington, in the county of Beaver, shall be reduced to nine, and that George Scott, A. B. Bradford, Mathew Elder, Joseph Frayer, James Cochran, George Greer, David Gilliland, Hugh Martin, and James Sprott, and their successors, to be elected according to their act of incorporation, four of whom shall constitute a quorum to transact the business of said institution.

Relief of Jas. Frazier canal contractor.

RESOLVED, That the Canal Commissioners be, and they are hereby authorized and required to examine the claim of James Frazier, a contractor on the Erie extension, at lock number twenty-six, and lock section number two hundred and sixteen, and settle with and pay him according to the principles of equity and justice, having a due regard to the provisions of his contract and the amount of work actually done, and they shall have power to issue subpoenas and award attachments to compel the attendance of witnesses in the usual manner, and the Auditor General is hereby authorized to audit the same, in the way and manner other claims against the commonwealth are audited.

Wm. Johnson and Co. canal contractors.

RESOLVED, That the Canal Commissioners be required to examine and adjust the claim of William Johnston & Co., contractors on the Tangascoatac extension of the West Branch canal, for damages sustained by the suspension of the work at dam number two, by order of the Canal Commissioners, and

that the amount found due be paid out of any monies in the treasury, not otherwise appropriated.

RESOLVED, That the Canal Commissioners be, and they are hereby authorized and required, to examine the claims of ^{Jas. H. Johnston canal contractor.} James H. Johnston, a contractor on the Gettysburg rail road, for losses alleged to have been sustained by him, in the construction of a spoil bank by contract with the late commissioners, and adjust the same on principles of equity and justice, and draw their warrant on the State Treasurer for the amount, if any by them awarded in favor of said contractor, and the treasurer is hereby required to pay the same out of any money in the treasury, not otherwise appropriated.

WHEREAS, It has been represented to the Legislature, that the road to avoid the inclined plane at Columbia, is located so ^{Preamble.} near to the barn of Michael Kauffman, of West Hempfield township, in the county of Lancaster, as to render it almost impossible to escape conflagration from sparks emitted by the locomotives, in use upon the said road: Wherefore,

RESOLVED, That the Canal Commissioners be and they are hereby authorized and required, to examine the situation and condition of the barn of said Michael Kauffman, above mentioned, and if in their opinion, there is danger of the same being destroyed by fire from the locomotives, they shall cause ^{Michl. Kauff-} the said barn to be removed to such situation, more remote ^{man's barn} may be removed. from the rail road, as will secure it from the danger of being burned by the locomotives, or pay to the proprietor thereof, such sum or sums, as in their judgment will be an adequate compensation to him, for removing or securing the same; or adopt such measures as in their opinion, will promote the interest of the Commonwealth, and protect the property of the individual; the money that may be requisite for carrying the provisions of this act into full force and effect, shall be paid by the canal commissioners, out of the fund appropriated for damages.

RESOLVED, That the Canal Commissioners are hereby authorized and required to enquire into the claim of damages sustained by Enos Eldridge, transporter of produce on the ^{Enos Eldridge} Philadelphia and Columbia rail road, from the Green Tree to ^{transporter} Philadelphia, by the destruction of his horse caused by an ^{Col. rail way.} engine of the state coming in contact with the same in March, eighteen hundred and thirty-nine, and if, in their opinion, the damages done to said Eldridge were occasioned by the negligence and inattention of the agents or supervisors of the state having in charge that part of the public works, and without any negligence on the part of the claimant, then to report the amount of damages and pay the same out of the damage fund.

RESOLVED, That the Canal Commissioners be and they are hereby required to examine the claim of Bingham and Bro- ^{Bingham and} thers, of the city of Philadelphia, for damages sustained in ^{brothers dam-} ages,

Craig Bellas
and Co. dam-
ages.

John White
and Co.

consequence of an accident happening on the inclined plane at Philadelphia, on the Columbia rail road, by which the cars laden with property belonging to the said Bingham and Brothers, consisting of twenty-one barrels of flour, one half pipe of brandy, and four rail road cars, precipitated down the said plane to the great injury of the same. Also the claim of Craig, Bellas, and company of the said city of Philadelphia, for injury done to one rail road car by an accident which happened at said plane on the fifth day of September, one thousand eight hundred and thirty-nine. Also the claim of John White and company, of the city of Philadelphia, for injury done to seven of their cars, and loss of property with which they were laden, by two several accidents which happened at the said plane, one on the twenty-second day of April last, and one on the ninth of May last, and upon ascertaining what damages, if any, have been sustained by the said Bingham and Brothers, Craig, Bellas and company, and John White and company, respectively, and upon being fully satisfied that such damages, if any, occurred to the said property and cars in consequence of the negligence of the State agents, and while the said property and cars were in the possession of said agents, to pay the same.

Bogle Hall &
Bogle.

RESOLVED, That the canal commissioners be and they are hereby authorized and required to examine the claim of Bogle, Hall and Bogle, contractors on section number sixty-five, Tunkhannock division, North Branch canal; also, the claim of Thomas and Belknap, on section number one hundred and ten on the same line, and settle with and pay them according to the last contract and prices for all the work done subsequent to the re-letting of said sections, if in their opinion the prices are not too high.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-eighth day of March, eighteen hundred and forty.

DAVID R. PORTER.

[No. 29.]

RESOLUTION

Relative to the Common Schools in the city of Lancaster, and for other purposes.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met:* That the Board of School Directors of the city of Lancaster, be and they are hereby authorized to call a meeting of the taxable inhabitants of said city, a majority of whom shall decide by ballot, how much and what additional sum shall be raised for school purposes, for the school year commencing on the first of June, 1840, in addition to the tax already authorized to be levied by the act of the 13th of June, 1836. Notice to be given. Notice of the time and place of holding such meeting being put up in the most public places of said city for the space of one week, and the said school directors, before they call such meeting, shall first determine the amount of the additional sum which they deem to be necessary for school purposes, for the school year commencing on the first June, eighteen hundred and forty, and shall also notify the taxable inhabitants of said city, of the amount in the advertisements, to be put up as herein before directed. The additional sum raised under the directions of this resolution, to be appropriated for school purposes, and to be assessed and collected, paid over, and distributed in the manner provided by act of thirteenth of June, eighteen hundred and thirty-six. Notice thereof How to be applied.

RESOLVED, That an election shall be held in the borough of Doylestown, in the county of Bucks, on the twenty-fifth day of May, eighteen hundred and forty, for all such officers as by law should have been elected on the third Monday of April, eighteen hundred and forty, which election shall be conducted by the judge, inspectors and clerks, who conducted the last general election in said borough, and the several officers so elected on the twenty-fifth day of May, eighteen hundred and forty, shall have every the same rights and powers, and hold their respective offices for the same term, as though they had been duly elected on the third Monday of April, eighteen hundred and forty. Borough election Doylestown when & how held.

RESOLVED, That the elections in the said borough of Doylestown, shall hereafter be held and conducted by the same officers, who by law hold and conduct the general elections there- Future election how held & conducted.

Misnomer or in. And no misnomer or failure of the election of borough
 failure to elect officers, on the day appointed by law shall discontinue or dis-
 not to dissolve solve the corporation, but the officers respectively for the time
 corporation being shall continue in office until a new election shall be
 Repeal. held, at such time as the council may direct, and so much of
 the acts to which this is a further supplement as are herein
 altered, is hereby repealed.

Directors of RESOLVED, That the directors of the poor and of the house of
 poor of Cum- employment, for the county of Cumberland, are hereby autho-
 berland co. to rized to fix in the indenture the time of schooling for a poor
 fix in inden- child, put out as an apprentice, regulating in their discretion
 ture time of that period according to the term of time for which such child
 schooling for is so put out.
 a poor child
 put out as ap-
 prentice.

WM. HOPKINS,
Speaker of the House of Representatives.
 EB. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The nineteenth day of May, eighteen hundred
 and forty.

DAVID R. PORTER.

[No. 30.]

RESOLUTION

Relating to the Philadelphia Silk Culture and Manufacturing Company,
 and for other purposes.

RESOLVED, *By the Senate and House of Representatives
 of the Commonwealth of Pennsylvania in General Assembly
 met*, That the capital stock of the Philadelphia Silk Culture
 and Manufacturing company, incorporated in pursuance of
 law, by letters patent, dated the tenth day of January, eigh-
 teen hundred and thirty-seven, shall hereafter be divided into
 and consist of ten thousand shares, at ten dollars per share,
 and not of five thousand shares, at twenty dollars per share,
 as mentioned in their articles of association, and in said letters
 patent and the certificates of stock in said company, hereto-
 fore issued, shall with the consent of the holders thereof be
 deemed, considered and taken at the par value of ten dollars
 per share and no more, any thing in said articles of associa-
 tion and letters patent to the contrary notwithstanding.

Capital stock
 10,000 shares
 at \$10.

RESOLVED, That the Auditor General is hereby required to Auditor Gen.
 audit and settle the accounts for printing and binding the Co. to settle ac'ts.
 lonial Records, up to the end of the third volume, agreeably for printing &
 to the contracts thereof, and the State Treasurer is hereby re- binding Colo-
 quired to pay the balance that may be due, if any, for the nial Records.
 same.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The nineteenth day of May, one thousand
 eight hundred and forty.

DAVID R. PORTER.

[No. 31.]

RESOLUTION

Relative to James Lyon, and for other purposes.

RESOLVED, *By the Senate and House of Representatives
 of the Commonwealth of Pennsylvania in General Assembly
 met,* That the Auditor General be and he is hereby authorized
 and required to settle and adjust the accounts of James Lyon, Accounts of
 treasurer of the board of commissioners, appointed by the James Lyon
 act of fifteenth April, one thousand eight hundred and thirty- to be settled
 four, directing the sale of certain lots in the town of Beaver, by Auditor
 and other lands adjacent thereto, in such a manner that he General.
 may be allowed five per cent. on all moneys collected and paid
 over by him, in pursuance of such sale, agreeably to the said
 act: *Provided,* That the said James Lyon be and he hereby
 is authorized and required to collect the balances that may be Proviso.
 due upon said lots, and pay the same over to the State Treas-
 urer, agreeably to the provisions of said act.

RESOLVED, That Catharine L. Cook of the city of Balti-
 more, in the State of Maryland, in her twentieth year of age, Catharine L.
 be and she is hereby authorized and empowed to unite with Cook to con-
 her brothers and sisters and mother in conveying and releasing vey certain
 all her right, title, and interest in and to about fifty-four acres real estate in
 of land, in Roaring Creek township, Columbia county, to Columbia co.
 John and Benjamin Hughes, and upon the receipt of the pur-

chase money, good and sufficient discharges to give for the same; and the said Catharine L. Cook is hereby authorized and empowered to make and execute the necessary conveyances on her part, for the transfer of said property, which shall have the same legal force and effect, as if Catharine L. Cook was of full age.

Privy wells
not to be
cleaned with-
out a permit
from the board
of health.

RESOLVED, That hereafter no person shall remove or cause to be removed the contents, or any part thereof, of any privy well within the limits of the jurisdiction of the board of health until he shall have first obtained a permit from the said board of health, which permit shall specify the time within which the contents of the privy may be removed, and the place to which the said contents shall be conveyed and deposited. And if any person shall remove, cause or allow, or assist in removing the contents, or any part thereof, of any privy well before he has obtained such permit, or at any other time than that specified in the said permit, or shall convey to and deposit or assist in conveying and depositing the same in any other place than that described in the said permit, he shall for any of the aforesaid acts forfeit and pay to the board of health the sum of one hundred dollars, and also be liable to an indictment in the court of criminal sessions for the city and county of Philadelphia, and on conviction shall be sentenced to undergo a confinement in the jail of the county of Philadelphia, not exceeding ninety days, or at the discretion of the court shall forfeit and pay for the use of the said board of health, the further sum of fifty dollars. And the person or persons upon whose property the same being enclosed, occupied or in a state of cultivation, the contents or any portion of the contents of any privy, unless by the special permission of the board of health, shall be deposited, shall forfeit and pay for every such deposit the sum of fifty dollars, for the use of the board aforesaid, and shall remain in custody until the same be paid.

Penalty.

Kind of vehi-
cles to be used

RESOLVED, That hereafter no person shall be permitted to remove or cause to be removed any portion of the contents of a privy well within the limits aforesaid, excepting in carts or vehicles so constructed as to be water tight, and securely covered on the top, and capable of containing twenty-four cubic feet. And if any person shall remove, cause or permit to be removed, the contents or any part thereof of any privy, excepting in carts or vehicles constructed as above, he shall forfeit and pay to the board of health a sum not exceeding one hundred dollars.

Penalty.

Charges regu-
lated.

RESOLVED, That hereafter the charge for removing the contents of privy wells within the limits aforesaid shall be made by the load of twenty-four cubic feet, and the number of loads removed from each privy shall be determined by the certificate of the clerk of the board of health, of the number of loads

received at the public pit, which certificate shall be received as conclusive evidence of the number of loads removed in all suits instituted for the recovery of debts incurred for the conveying away of the contents of privies within the limits aforesaid. And all contracts for removing the contents of privies within said limits which shall be made hereafter contrary to the meaning and intent of this section, is hereby declared to be null and void. Contracts contrary to this act void.

RESOLVED, That so much of the act, entitled an act to empower the Board of Health to purchase and hold certain real estate, and for other purposes, passed during the session of 1825-26, and all existing acts of assembly which are inconsistent with the provisions of the present act, is hereby repealed. And in addition to the powers with which the said Board of Health are invested, in relation to their holding real estate, that they be also authorized to purchase and hold so much real estate, within the city of Philadelphia, as may be necessary for the transaction of their business. Former act repealed. Additional power to hold real estate in the city of Phila.

RESOLVED, That the courts of Quarter Sessions of the county of Northampton, on being petitioned to grant a view for opening or extending any street, lane or alley, within the borough of Easton, in the county aforesaid, or for the purpose of opening or making any new street, lane or alley, within said borough, not designated in the original plot of said borough, shall have power, and by virtue of this act are directed and required, as often as they judge it useful, in open court, to order and appoint six discreet and disinterested persons, whose duty it shall be, after being first sworn or affirmed, to view together with the commissioners of the county for the time being, or a majority of the said commissioners, the ground proposed for opening or extending such street, lane or alley, or opening or making such new street, lane or alley, and if they or any five of them view the said ground, and any four of the actual viewers, exclusive of the county commissioners, agree that there is occasion for such street, lane or alley, to be opened or extended, they shall proceed to lay out the same, as agreeably to the desire of the petitioners as may be, in such manner as to do the least injury to private property, and shall make report thereof, stating particularly whether they judge the same necessary, together with a plot or draft thereof to the next court of Quarter Sessions; and if then and there, the court aforesaid shall approve of the same, it shall, at the next court thereafter, be entered of record, and thenceforth shall be taken, deemed, and allowed to be a public street, lane, or alley, compensation being made to the owner or owners of the ground, or other property, as herein directed. Court of Qr. Session of Northampton co. to grant a view for opening streets, &c To appoint viewers. Duties of Report of viewers. Draft.

RESOLVED, That as soon as the said report shall be returned and approved by the said court, and entered of record, as afore-

When report approved com-

mon council said, the town council of the said borough shall cause such to open streets street, lane, or alley, to be opened or extended agreeably to &c. the said report, and the directions of the said court.

Damages how assessed and ascertained. **RESOLVED,** That as soon as any such street, lane, or alley, shall be opened or extended, it shall and may be lawful for any person or persons, whose property may be injured by such opening or extending, to apply by petition to the said court to have such damage assessed; and it shall be lawful for the said court to appoint six discreet and disinterested persons, who, being first sworn or affirmed, shall enquire what damages, if any, the owner or owners of lands, house or houses, or other property, may have sustained by reason of the same being taken, used, and appropriated for the purpose aforesaid: *Provided always,* That it shall be the duty of the said persons in assessing damages, to consider the advantages which may accrue to the owner or owners of such lands, house or houses, or other property, by reason of opening or extending such street, lane, or alley, and upon the return of valuation and assessment of damages made by any five of the said viewers to the said court, and the said court shall have approved or confirmed the same, the amount of damages assessed or awarded, as aforesaid, shall be paid out of the borough treasury, and the viewers in both cases shall be paid as viewers of roads, and of road damages, are now by law paid, it shall be lawful for the said court to appoint reviewers as often as it may be deemed necessary.

Proviso.

How to be paid.

7th 8th & 9th sec. of act 15th June 1836 relative to roads &c. how construed. **RESOLVED,** That the seventh, eighth and ninth sections of the act of the fifteenth June, one thousand eight hundred and thirty six, entitled an act relating to roads, highways and bridges, shall be construed to apply to claims for damages, in consequence of injury sustained from the location and opening of a road, under the provisions of any special act of assembly, unless where the same is otherwise provided for by law.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-ninth day of May, A. D. eighteen hundred and forty.

DAVID R. PORTER.

[No. 32.]

RESOLUTION

Relative to certain officers in Potter county, and for other purposes.

WHEREAS, by the act of the sixth of April, one thousand eight hundred and thirty, the Secretary of the Commonwealth is required to receive, for the use of the commonwealth, for each commission for prothonotary, clerk of oyer and terminer, of quarter sessions, of orphans' court, register of wills, and recorder of deeds, the sum of ten dollars : *And whereas*, in the county of Potter, those offices are all held by one person : *And whereas*, the whole amount of fees arising from those offices, in any one year, do not exceed the sum of one hundred and eighty dollars : *And whereas*, since the organization of the courts in that county, including a period of four years, there have been six appointments, making an aggregate sum of fees to be paid for commissions of three hundred and sixty dollars, all of which remains unpaid : *And whereas*, the payment of that sum would swallow up the greatest portion of the fees received by those offices : Therefore,

Preamble.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the said officers appointed as aforesaid, since the organization of the courts in the said county of Potter, be exonerated from the payment of any fees on their commissions since the organization of the said court, up to this time.

Fees due by certain officers of Potter co. remitted.

RESOLVED, That the act with its supplements incorporating the Robbstown Bridge Company, shall be so construed, to exempt from paying tolls all persons going to and from divine service on the Sabbath day to their usual places of attending the same, all persons going to and from funerals, to and from school, and any detachment of militia called into the actual service of the United States.

Act incorporating Robbstown bridge co. how construed &c.

RESOLVED, That the certificate of the town clerk of the borough of Norristown, of the publication of any ordinance of said borough, which has been or may be published as required by law, verified by oath or affirmation, and entered on the minutes of the town council of said borough, shall be deemed and taken as conclusive evidence of such publication.

Certificate of town clerk of borough of Norristown to be considered as evidence &c.

RESOLVED, That the third section of the act passed the twenty-second day of June, Anno Domini, eighteen hundred and thirty-nine, entitled an act to compensate Samuel Dale for services as an Associate Judge of Lancaster county, and for other purposes, is hereby repealed ; and any law and laws

Act of 1829, exempting Prot. of Phila. from tax laws repealed.

repealed or suspended by said section is hereby revived with like effect, as if herein re-enacted.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The twenty-ninth day of May, eighteen hundred and forty.

DAVID R. PORTER.

[No. 33.]

RESOLUTIONS

Relative to the Birmingham and Elizabeth Turnpike road, and for other purposes.

Appropriation to Birmingham and Elizabeth turnpike company, how expended.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That so much of an act, entitled an act to provide for and to continue the improvements of the State, and for other purposes, passed the fourteenth day of April, eighteen hundred and thirty-eight, authorizing a subscription of four thousand dollars to the Birmingham and Elizabeth Turnpike road company, as directs the said money to be expended on the southern end of said road next the town of West Elizabeth, be and the same is hereby repealed, and the said subscription is hereby transferred to and directed to be expended on the lower portion of said road.

Time of holding tsp. and borough elections McKean co. changed.

RESOLVED, That the time of holding the several township elections, in each and every of the boroughs and townships in the county of McKean, be and the same is hereby altered, from the third Friday of February to the second Friday of February, in each and every year, on which last mentioned day said elections shall be hereafter held, subject in all other respects in conformity with existing laws.

Whites haven and Clifton turnpike time for commencing extended

RESOLVED, That the time for commencing the Whites Haven and Clifton Turnpike road, be extended for one year from the passage of this act. And when any distance is completed, not less than seven miles, commencing at the Easton and Wilkes-Barre turnpike road, the Governor shall appoint persons to view the same, as is provided in the tenth section

of the act incorporating said company, and if executed in a masterly and workmanlike manner, the said company may charge toll on the whole distance so finished. Tolls.

RESOLVED, That from and after the passage of this act, the qualified electors residing in that part of Mifflin township, Columbia co. erected into a separate election district, Paxton dist. to called Paxton, by an act passed April first, Anno Domini, one elect certain thousand eight hundred and thirty-six, shall form a separate officers. district, for the purpose of electing one supervisor, one constable, and two settlers of accounts, who shall severally exercise all the powers and privileges of, and be subject to all the provisions, restrictions, privileges and liabilities now imposed upon supervisors and other township officers, under the existing laws of this commonwealth, relating to the same. When election to be held The first election shall be held on the fourth day of July next, of the present year, at the house of Adam Michael, in said district, under the direction of William Moan, David Davis, Junior, and Jonathan Brettenbender, who are hereby required Notice to be given. to give written notice of the time and place of the holding of such election; said election to be conducted in all respects as is prescribed by the several laws of this commonwealth, regulating the election of supervisors, constables and township How to be conducted. auditors, and hereafter the elections for said district shall be held according to the existing laws, on the subject relating to township elections.

RESOLVED, That the Canal Commissioners be and they are hereby authorized and required to examine the claim of Thomas Plues, late a contractor on the Erie extension of the Pennsylvania canal, for damages alleged to have been sustained by him by reason of the abandonment of his several contracts, on said line of canal, and to settle the same according to the principles of justice and equity, and having due regard to the terms of his said contracts; the amount of damages, if any found due, to be paid out of the damage fund. Thomas Plues claim.

WM. HOPKINS,

Speaker of the House of Representatives.

EB. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The ninth day of June, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 34.]

RESOLUTION

To enable the Arbon Coal Company to borrow money.

Arbon coal co.
to borrow money.
Certificates
&c.
Proviso.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met*, That the President and Directors of the Arbon Coal Company shall have power to borrow money on loan, and to give mortgages, certificates or other evidences and securities, in sums [not less than one hundred dollars] for the payment thereof; the same to be convertible or not convertible into stock, as may be deemed expedient; *Provided*, That the sum so borrowed shall not exceed one hundred thousand dollars.

WM. HOPKINS,
Speaker of the House of Representatives,
EB. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The eleventh day of June, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 35.]

RESOLUTION

Relative to the payment of the Troops called to Harrisburg in December, eighteen hundred and thirty-eight.

Auditor Gen.
to settle account of U. S.
rail road car co. &c.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the Auditor General be and is hereby authorized to settle the account of the United States railroad car company, for carrying the troops, their cannon, baggage, and wagons to and from Harrisburg, in the winter of 1838-'9, and to draw his warrant on the State Treasurer in favor of

William Colder for the amount that may be so found due to said company; and he is required to notify the persons, whether styled Paymasters, Paymasters General, Quartermasters General, or disbursing officer, to settle their accounts; and on their refusal to do so, or on their doing so, and a balance being found in the hands of any of said officers, on their refusal to pay such excess into the State Treasury, it shall be the duty of the said Auditor General to employ counsel, and bring suit against such person so refusing to settle or pay over any balance due, and remaining in his hands: *Provided*, Notice to certain officers to settle their accounts. That he shall allow said officers at the rate of one hundred dollars per month, for such time as they were actually engaged in the discharge of their duty, as full compensation for their services; and in the settlement of the account of Col. Pleasonton, that he be authorized to allow him a credit for the amount, that he shall show sufficient vouchers for the payment of, for blankets, clothing, and other articles purchased for said troops. Proviso.

RESOLVED, That the Auditor General be authorized to settle with, and draw his warrant on the State Treasurer, in favor of any persons to whom amounts may be due and authorized to be settled by the resolution numbered thirty-three, approved the sixth day of June, one thousand eight hundred and thirty-nine, relative to the pay of the troops in the service of the commonwealth. Col. Pleasonton to receive credit for certain expenses.

RESOLVED, That the following sums be and the same hereby are appropriated to be paid out of any moneys in the treasury, not otherwise appropriated, on the first day of August, Anno Domini, eighteen hundred and forty, for the purpose of compensating the holders of Pennsylvania stock other than the banks of Pennsylvania, for the losses which may have been sustained by such holders in consequence of the payment of the interest on said stocks in a currency of less value than gold or silver. Auditor Gen. to draw warrants on state treasurer &c.

First, To the holders or legal representatives of the persons who were then holders of the Pennsylvania stocks, except as aforesaid, on the first day of August, Anno Domini, eighteen hundred and thirty-seven, the sum of fifty-three thousand two hundred and one dollars and twenty-five cents. Compensation to holders of Penn. stock

Second, To the holders or legal representatives of the persons who were then holders of Pennsylvania stocks, except as aforesaid, on the first day of February, Anno Domini, eighteen hundred and thirty-eight, the sum of twenty-nine thousand six hundred and six dollars and twenty-five cents. Which several sums hereby appropriated, shall, by the Governor's warrant drawn on the State Treasurer, be placed in the hands of the agents or banks of this commonwealth, who may be authorized to pay the interest on the Pennsylvania stocks, on the first day of August, eighteen hundred and Money how drawn and paid.

forty, for the purposes herein directed; and be paid to such holders in proportion to the several amounts by them respectively held on said days.

Interest on
stock hereaf-
ter to be paid
in specie or its
equivalent.

RESOLVED, That hereafter the interest falling due on Pennsylvania stock shall always be paid in specie or its equivalent, and whenever the funds accumulated in the treasury for the payment of interest shall be of less value than specie, it shall be lawful for the Governor, and he is hereby required to cause the difference in value between such funds and specie to be ascertained and certified to him on the day preceding that on which any semi-annual portion of interest becomes due by the Auditor General, and State Treasurer, under oath or affirmation, and thereupon to issue his warrant to the agents or banks who may be authorized to pay such interest on behalf the commonwealth, to allow such difference in value to the holder or legal representative of the holder of any Pennsylvania stock on the interest due to such holder, or to pay the same in specie, if required by such holder; *Provided*, No bank incorporated by this state which shall at the time any such interest becomes due, neglect or refuse to pay any of its notes, bills or obligations, or deposited moneys in gold or silver, be entitled to receive or be paid any such difference in value; and all other creditors of the commonwealth shall be paid in gold or silver, or its equivalent.

Com'wth to
pay all her cre-
ditors in spe-
cie.

WM. HOPKINS,
Speaker of the House of Representatives.
EB. KINGSBURY, Jr.
Speaker of the Senate.

APPROVED—The twelfth day of June, eighteen hundred and forty.

DAVID R. PORTER.

[No. 36.]

RESOLUTION

Relative to the claim of Amos Addis.

Preamble.

WHEREAS it is represented that Amos Addis, late a contractor on section number twelve, Tioga line, North Branch canal, has suffered great loss by coming in contact with an

item of work not embraced or mentioned in his article of agreement, to wit: a solid cemented gravel or hard pan, as difficult to excavate as rock itself, for which he has received only at the rate of thirteen cents per cubic yard, being the price of common excavation, and that the said Addis has signed a receipt in full on the final estimate of the engineer, for all the work done by him on the said section, and that he has abandoned the job, thus precluding any appeal or application to the board of Canal Commissioners for relief, without express authority is given for that purpose: Therefore,

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the Canal Commissioners be, and they are hereby authorized and required to examine the claim of the said Amos Addis, for additional compensation for work done on the said section, and allow him such sum as to them shall appear to be just and equitable, without regard to the terms of his original contract, so far as relates to the item of work not embraced in said contract.

WM. HOPKINS,
Speaker of the House of Representatives.

E. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The thirteenth day of June, A. D., eighteen hundred and forty.

DAVID R. PORTER.

[No. 37.]

RESOLUTION

Relative to the Whites Haven and Clifton Turnpike Road company.

RESOLVED, *By the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the time limited for procuring and opening books, for receiving subscriptions to the stock of the Whites Haven and Clifton turnpike road company, is hereby extended for one year, from the first day of May, one thousand eight hundred and forty, and that the Governor shall appoint viewers, and tolls shall be received by said company, according to the

Whites Haven & Clifton turnpike company time for opening books &c. extended.

Viewers
Tolls.

provisions of the tenth section of the act of twenty-fifth June, one thousand eight hundred and thirty-nine, for every five miles or more of any portion of said road that may be made by said company, beginning at the Easton and Wilkes-Barre turnpike, and extending either way therefrom.

WM. HOPKINS,

Speaker of the House of Representatives.

E. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The thirteenth day of June, one thousand eight hundred and forty.

DAVID R. PORTER.

SECRETARY'S OFFICE, }
Harrisburg, July, 24, 1840. }

I CERTIFY, that in obedience to the directions of an act of the General Assembly of the Commonwealth of Pennsylvania, I have collated with and corrected by the original rolls on file in this office, the proof sheets of the printed copies of this edition of the Laws and Resolutions of the General Assembly, passed during the session ending on the twelfth day of June, A. D., eighteen hundred and forty, including ten Laws and four Resolutions, passed by both branches of the Legislature at the session of 1838-9, but which were not signed by the Governor in time to be printed with the Laws of that session.

FRS. R. SHUNK,

Secretary of the Commonwealth.

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Prothy

AN ACT

RELATING TO

ORPHAN'S COURTS,

AND FOR OTHER PURPOSES.

APPROVED OCTOBER 13, 1840.

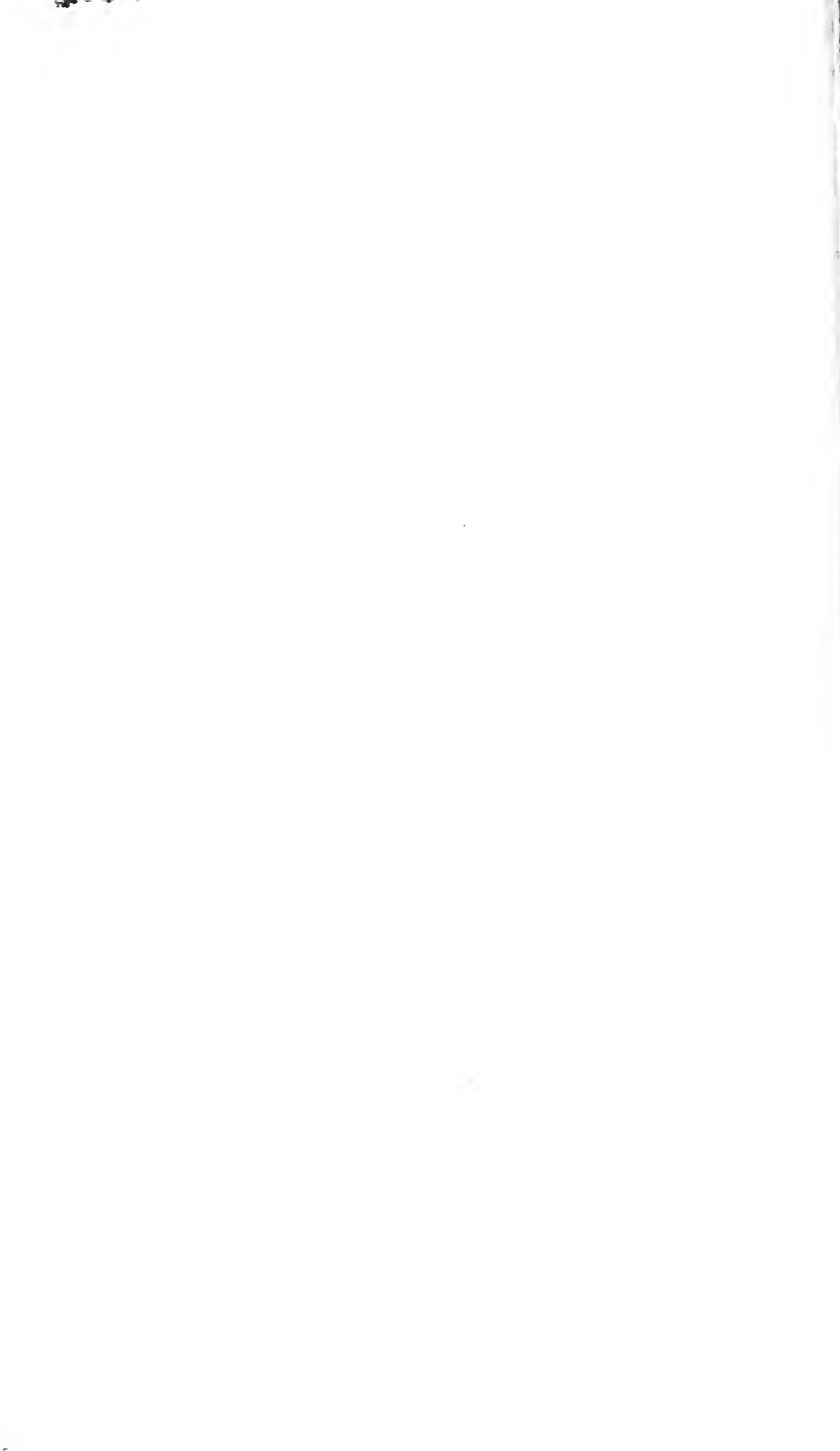


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1840.



LAW OF PENNSYLVANIA.

AN ACT

Relating to Orphans' Courts, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the Judges of the Orphans' court of the commonwealth of Pennsylvania, within five years after the final decree, confirming the original or supplementary account of any executor, administrator, or guardian, which has or may be hereafter passed, as aforesaid, upon petition of review being presented by such executor, administrator, or guardian, or their legal representatives, or by any person interested therein, alleging errors in such account which errors shall be specifically set forth in said petition of review, and said petition and errors being verified by oath or affirmation, said Orphans' court shall grant a rehearing of so much of said account as is alleged to be error in said petition of review, and give such relief as equity and justice may require by reference to auditors, or otherwise with like right of appeal to the Supreme court as in other cases, except that the appeal shall be taken under the provisions of this act within one year after the decree made on the petition of review: *Provided,* That this act shall not extend to any cause when the balance found due shall have been actually paid and discharged by any executor, administrator, or guardian.

SECTION 2. That upon the return of a writ of fieri facias levied upon real estate of the defendant, with the inquisition assessing the value of the yearly rents, or profits thereof, the plaintiff may at his election instead of suing out a writ of liberari facias for the purpose of having the said real estate delivered to him at the valuation and appraisement, permit the defendant or defendants, or any other person or persons, claim-

Orphans' Courts within five years after final decree may grant rehearing.

Plaintiff instead of issuing liberari facias may demise premises to defendant, at valuation.

If defendant
refuses to take
at valuation
plaintiff may
issue vendi-
tioni exponas,

When defen-
dant retains,
at valuation,
the rent to
be paid half
yearly.

On failure to
pay, venditi-
oni exponas
may be issu-
ed.

ing under him or them, by demise or title subsequent to the judgment, upon which the said fieri facias issued to retain the possession of the said real estate at the annual valuation and appraisement, so as aforesaid made by the inquest. And the said plaintiff or his attorney, shall signify his election, so to permit the said defendants, or other person so claiming to the sheriff, who may have the said writ of fieri facias in his hands for execution, within ten days after the holding of the inquisition, and it shall be the duty of the said sheriff, to notify the said defendant, or other person so claiming thereof, within ten days after said notice shall be given to him by the plaintiff. And it shall be the duty of the said defendant, or other person so claiming, within ten days thereafter, to notify the said sheriff of his willingness to retain the said real estate at the annual valuation and appraisement so as aforesaid, made in pursuance of the "Act entitled an act relating to executions passed the sixteenth day of June, one thousand eight hundred and thirty-six," and upon his neglect or refusal so to do, the plaintiff may have a writ of venditioni exponas, to sell the said real estate, for the payment of his debt. All which notices required by this act, shall be in writing, signed by the parties or their attorneys, and shall be served, by delivering a copy to the party plaintiff, or defendant, or to the person in possession of the real estate, or leaving the same at his residence with an adult member of his family, and of all which the said sheriff shall make return according to law, and be entitled to mileage as in other cases.

SECTION 3. If the said defendant, or defendants, or other person, claiming the said real estate, as aforesaid, shall signify his or their willingness to retain the same at the valuation and appraisement in pursuance of the first section of this act, he or they shall thereby become liable to pay to the plaintiff the amount of the said annual valuation and appraisement in half yearly instalments, until the debt, interest, and cost of the said fieri facias be fully paid; the first of said instalments to be paid in six months from the day the defendant, or person claiming, as aforesaid, shall deliver notice to the sheriff declaring his or their willingness to retain said real estate, which date the sheriff is hereby required to endorse on said notice, and on failure to make payment for a period of thirty days after any half yearly instalment shall become due, it shall be lawful for the plaintiff, his agent, or attorney, upon making affidavit thereof, and filing the same in the prothonotary's office, to issue a writ of venditioni exponas for the sale of said real estate, as fully and with like effect as though a condemnation thereof had taken place.

SECTION 4. On the return by the sheriff of the notices and proceedings prescribed by the second and third sections of this act, it shall be lawful for the court, out of which the fieri

facias issued on the application of any creditor, to make an order directing the manner in which the money arising from such half yearly instalments shall be distributed among the different lien creditors according to the priority of their liens, in the same manner and with like effect as in case of distribution of money arising from sheriff's sales; and it shall be the duty of the defendant or person in possession of said estate, to pay said instalments to the plaintiff or party entitled to receive the same under such decree, or to his or their agent, or attorney, or to the sheriff of the proper county, when such plaintiff, or person, his or their agent, or attorney, reside out of said county.

Distribution of half yearly instalments to lien creditors.

To whom instalments to be paid.

SECTION 5. Where real estate has heretofore been extended on a writ of fieri facias and no writ of liberari facias issued to take possession thereof, it shall be lawful for the plaintiff to either issue out his writ of liberari facias or give the defendant thirty days notice of his election, to permit the defendant to retain possession of the same, and the defendant shall within twenty days thereafter notify the plaintiff whether he will retain the same or deliver over said premises to the plaintiff at the annual valuation, and on failure so to do, or on failure to pay said valuation half yearly, like proceedings shall be had for the sale of said premises as is prescribed by the second and third sections of this act. The notices to be served and returns thereof made in the manner before prescribed.

Where real estate has been extended and no Lib. Fa. issued, same proceedings as in prior sections.

SECTION 6. Whenever an estate for life, in any improved lands, or tenements, yielding rents, issues, or profits shall hereafter, be taken in execution; the court shall upon the application of any lien creditor, award a writ to sequester the rents, issues, and profits of such estate, and appoint a sequestrator to carry the same into effect.

Sequestrator of rents of life estates taken in execution.

SECTION 7. The sequestrator so appointed, shall have power according to the direction of the court to rent or sell such lands or tenements, for such term during the life of the persons upon whom such estate therein shall depend, as shall be sufficient to satisfy all the liens against the same, together with all charges for taxes, repairs, and expenses which shall be incurred during said term, and he shall apply the proceeds thereof under the direction of the court in the payment of such liens according to their priority.

Powers of sequestrator

SECTION 8. The court shall have power, if they deem it necessary, to require from such sequestrator a bond with sufficient security for the faithful execution of his trust, and to compel him to account from time to time, as they shall think necessary, and they may make all such orders, allowances and decrees in the premises, and enforce the same in like manner, and as fully and effectually, as a court of chancery might do in the like case.

Sequestrator to give security.

Parts of act
of 1836 rela-
ting to execu-
tions repealed

SECTION 9. The fifty-second, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh, sixty-fifth, sixty-seventh, sixty-eighth, sixty-ninth, seventieth and seventy-first sections of the act last recited, are hereby repealed; except in such cases as may have already occurred, and so far as the same may be necessary to complete a proceeding commenced under the same.

Number of
Tip Staves
and Consta-
bles of Court
of General
Sessions.

SECTION 10. That the seventy-eighth section of the act entitled "An act relative to the organization of the courts of Justice, passed the fourteenth day of April, one thousand eight hundred and thirty four," shall not be construed to authorize "the court of general sessions for the city and county of Philadelphia," to appoint a greater number of tipstaves, and special constables together than twelve, nor shall the said court have power to appoint any special, or high constable, except the number provided for in the act entitled "An act to establish a court for the trial of crimes and misdemeanors committed in the city and county of Philadelphia," passed the twenty-fifth day of February, eighteen hundred and forty. And the said court shall divide the ward and township constables of the city and county of Philadelphia, as near as may be into twelve divisions: one for each month, and the said court may if necessary employ all or any number, of any one of said divisions during one month, but shall in no case employ at any one time, more of said constables than is comprised in one division, the constables and other officers appointed by, and attendant upon the court of General Sessions for the city and county of Philadelphia, shall be, and they are hereby empowered and required under the direction of the said court, to execute such process as may be directed to them, and all fees and costs for such service shall be taxed by, and paid to the clerk of the said court, who shall account for, and pay the same to the treasurer of the county of Philadelphia, for the use of the county.

Selection of
constables,
their powers.

When Insol-
vent debtors
are accused
or convicted
of fraudulent
insolvency, a
receiver may
be appointed
His duties.

SECTION 11. In any case where a petitioner for the benefit of the insolvent laws of this commonwealth, heretofore has been or hereafter may be bound over or committed for trial by any court of this commonwealth, under the provisions of the forty-second and thirty-third sections of the act entitled "an act relating to insolvent debtors," or where any such person has been, or shall be tried and convicted of any offence under the provisions of said sections, or of fraudulent insolvency under any other law of this commonwealth, it shall be the duty of the court of the proper county on the application of any creditor to appoint a receiver of all the estate which belonged to such insolvent debtor, which said receiver shall be appointed and removed in the same manner, invested with like powers, perform like duties, subject to like control of the court, give like security in like form, and generally do, and perform,

all the duties enjoined by law on the assignees of estates of insolvent debtors, and shall by force and virtue of such appointment become absolutely vested with all the estate, property and effects of such insolvents, as fully as assignees of insolvent debtors are by the laws of this commonwealth, and be able and capable in law to sue, and be sued, in like manner, being in all cases stiled and named receiver of such estate.

SECTION 12. That so much of the act entitled an act to amend and consolidate with its supplements, the act entitled an "Act for the recovery of debts, and demands not exceeding one hundred dollars before a justice of the peace, and for the election of constables, and for other purposes passed the twentieth of March, eighteen hundred and ten," as provides that the justice shall enter judgment against a constable for the amount of an execution together with costs, on which judgment there shall be no stay of execution, shall not be construed to deprive the constable of the right of appeal to the Court of Common Pleas of the proper county, upon such conditions and under like limitations, as in the case of other defendants. Constables may appeal from judgments against them for amount of executions in their hands.

SECTION 13. That when any number of persons, citizens of this commonwealth, are associated or mean to associate for any literary, charitable or religious purpose, or for the purpose of forming any fire engine or hose company, or beneficial society, or association, and shall be desirous to acquire and enjoy the powers and immunities of a corporation or body politic in law; it shall and may be lawful for such persons to prepare an instrument in writing: therein specifying the objects, articles, conditions and name, style or title under which they have associated or mean to associate, and the same to exhibit and present to the Court of Common Pleas of the proper county in which said corporation is intended to be situated, or its principal business transacted, which said court is hereby required to peruse and examine said instrument, and if the objects articles and conditions therein set forth and contained, shall appear lawful, and not injurious to the community, said court shall direct said writing to be filed in the office of the prothonotary of said court, and also direct notice to be inserted in one newspaper, printed in the proper county, for at least three weeks, setting forth that an application has been made to said court to grant such charter of incorporation, and if no sufficient reason is shown to the contrary, it shall be lawful for said court at the next term thereafter, to decree and declare by their order endorsed on said instrument, attested in the usual manner by the prothonotary, under the seal of said court, that the persons so associated shall according to the articles and conditions in said instrument set forth and contained, become and be a corporation or body politic, and further direct that said charter of incorporation shall be recorded in the of- Incorporation of literary, charitable and religious associations, and fire engine and hose companies.

By courts of common pleas Proceedings.

Notice.

Decree of incorporation to be recorded

rice for the recording of deeds in said county, and on said instrument being so recorded the persons so associated or meaning to associate, shall according to the objects articles and conditions in said instrument set forth and contained, become and be a corporation or body politic in law and in fact, to have continuance by the name style and title in such instrument provided and declared.

Amendment
of articles and
conditions of
foregoing
charters.

SECTION 14. As often as the corporations which shall be established under the provisions of this act, or have been or shall be established under the act passed the sixth day of April, seventeen hundred and ninety-one, entitled an act to confer on certain associations of citizens of this commonwealth, the powers and immunities of corporations or bodies politic in law, to which this is a supplement, shall be desirous of improving, amending, or altering the articles and conditions of the instrument upon which said corporations are respectively formed and established, it shall and may be lawful for such corporations respectively in like manner to specify the improvements, amendments or alterations, which are, or shall be desired, and exhibit the same to the court of common pleas of the proper county, in which said corporation is situated as aforesaid, when if said court shall be of opinion such alterations are, or will be lawful and beneficial, it shall be the duty of said court to direct the same notice and proceedings to take place, which are prescribed in the first section of this act, and after decree made, and said amendments are recorded the same shall be deemed and taken to be a part of the instrument upon which said corporations respectively were formed and established, to all intents and purposes, as if the same had originally been made part thereof.

Fees.

By whom to
be paid.

Copies.

Act of 1791
continued.

SECTION 15. The usual fees allowed by law for equal or similar services, shall be received by the respective county officers under the provisions of this act, and all the expense of procuring said charter of incorporation and recording the same, shall be borne by the persons applying therefor, and after said articles of association shall be recorded as before directed, the same shall be duly certified to be recorded and delivered over to the applicants, and a copy of the record duly certified shall be at all times as good evidence as the original might or could be.

SECTION 16. The third section of the act of the sixth of April, one thousand seven hundred and ninety-one, entitled "an act to confer on certain associations of the citizens of this commonwealth the powers and immunities of corporations, or bodies politic in law," and the second section of the supplement thereto, passed the eighth day of April, one thousand eight hundred and thirty-three, be and the same are hereby extended to and made part of this act, as fully as though the same were hereby re-enacted, and all corporations to be created un-

der the provisions of this act, shall be subject to the provisions of said sections.

SECTION 17. Nothing in this act contained shall be construed to alter or change the jurisdiction of the Supreme Court of this state, in relation to corporations, but the same shall remain as heretofore, and no college, academy, or female seminary, which shall be incorporated under the provisions of this act, or the acts to which this is a supplement, shall be entitled to any portion of the annual appropriation provided for such institutions, by the fourth section of an act entitled "A supplement to an act to consolidate and amend the several acts relating to a general system of education, by common schools, passed the thirteenth day of June, one thousand eight hundred and thirty-six." said supplement passed the twelfth day of April, one thousand eight hundred and thirty-eight.

Power of Supreme Court | over corporations preserv'd

Colleges, academies and female seminaries incorporated under this act excluded from appropriation of 12 April, 1838.

SECTION 18. That in all actions of account render, now pending, or which may hereafter be brought, after it shall have been found or admitted by the pleadings, that the defendant is liable to account to the plaintiff, it shall be in the discretion of the court in which the same is or shall be pending, to either appoint auditors and proceed according to the practices and usages of the common law, or direct a jury to be impanelled to settle the accounts of the parties, and find the balance due the plaintiff, or defendant. And on the application of either of the parties, and interrogatories filed, it shall be lawful for the court to require the adverse party to disclose on oath his knowledge of such facts, as shall in the opinion of said court be necessary for a just and equitable adjustment of the controversy, and on the party being so called on, and refusing to answer on the requisition of the court the fact stated by the adverse party in his interrogatory, shall be taken as admitted, and the parties shall have power to compel the production of such books, papers and documents, either in court or before the auditors, as may be necessary for a just and equitable settlement of the controversy, according to the provisions of the first section of the act of twenty-seventh February, one thousand seven hundred and ninety-eight entitled "An act extending the powers of the Supreme court and courts of Common Pleas.

In account render

when defendant is liable to account auditors may be appointed or jury trial ordered

Parties may be required to disclose of acts on oath

Parties may be compelled to produce books, &c.

SECTION 19. The Supreme court, the several district courts and courts of Common Pleas, within this commonwealth, shall have all the powers and jurisdiction of courts of chancery in settling partnership accounts, and such other accounts and claims, as by the common law and usages of this commonwealth have heretofore been settled by the action of account render, and it shall be in the power of the party desirous to commence such action to proceed, either by bill in chancery or at common law, but no bill in chancery shall be entertained unless the counsel filing the same shall certify that in his

Chancery powers vested in Courts in settling partnership and other accounts Parties may proceed by bill in chancery or at common law

opinion the case is of such a nature, that no adequate remedy can be obtained at law, or that the remedy at law will be attended with great additional trouble, inconvenience or delay.

Act relating
to account
render re-
pealed.

SECTION 20. The act entitled "An act concerning the action of account render, passed the fourth day of April, one thousand eight hundred and thirty-one, be and the same is hereby repealed.

Recorders of
deeds may
take acknow-
ledgments of
feme covert's

SECTION 21. The several recorders of deeds within this commonwealth heretofore authorized to take the acknowledgment of deeds and other writings, shall have power and are hereby authorized to take and certify the separate examination and acknowledgment of any *feme covert* of or concerning any instrument of writing relating to lands, tenements or hereditaments, as fully and with like force and effect, as any judge or justice of the peace of this commonwealth might or could do.

Comm'r's of
Dauphin co.
may borrow
\$30,000.

SECTION 22. That the commissioners of the county of Dauphin be, and they are hereby authorized to borrow any sum of money not exceeding thirty thousand dollars, for the purpose of erecting a new county prison with appurtenant buildings, and making payment of the purchase money of any additional ground adjoining the present site on which said buildings is to be erected.

Comm'r's of
Moyamensing
may borrow
\$15,000.

SECTION 23. The commissioners of the township of Moyamensing, in the county of Philadelphia, be and they are hereby authorized and invested with full power to borrow upon the faith of the corporation the sum of fifteen thousand dollars, to enable them to pay certain permanent and temporary loans and other debts now due by said corporation.

Moyamensing
sinking fund
to be created

SECTION 24. It shall be the duty of the commissioners of the township of Moyamensing to set apart each and every year, out of the proceeds of the taxes or other revenues of said township the sum of one thousand dollars, to constitute a sinking fund to extinguish the present debt of the said township, the said fund to be immediately applied to the purchase of said debt, or if it cannot be purchased at par or for a less price the said commissioners are hereby authorized to invest said funds in stocks of the state of Pennsylvania, the county of Philadelphia, or of the city of Philadelphia, to be used and applied to the payment of the debts of said township, as they may be purchased as above directed or become due.

Proceeds of
landings,
wharves and
market houses
of Southwark
vested in
comm'r's for
creating a
sinking fund.

SECTION 25. From and after the first day of January, 1841, it shall be lawful for the commissioners of the district of Southwark, and their successors, to collect all the income and rents issuing from the public landings, wharves and market houses, in the said district, together with such other rents, issues or income derived from any other source other than taxes, and after deducting therefrom the expense of keeping the said landings and market houses in repair and order, forthwith set

apart the said rents and income, and hold them inviolably in trust for the following purposes and uses, and for no other use or purpose whatever; that is to say, they, the said commissioners or their successors shall as soon as can be, appropriate the said monies to the payment of the debt of said district, as it becomes due, or to the purchase of the same at par, or at a less price, and when this cannot be done, the said monies shall be invested in the debt of the city or county of Philadelphia, or in the debt of the commonwealth of Pennsylvania, and the interest thereon shall be suffered to grow and accumulate, which said fund so to be invested from time to time, as aforesaid, together with the interest, profit or income, accumulated therein and re-invested, as hereinbefore directed, shall be exclusively set apart and denominated the sinking fund of the district of Southwark, and shall be solely appropriated and applied to the extinguishment of the principal or capital sum of the funded debt of the said district, as it may become due, or be purchased at par or for less price, and to and for no other use or purpose whatever.

SECTION 26. It shall be the duty of the commissioners of the district of Southwark, and the commissioners of the township of Moyamensing, hereafter, annually, to cause to be levied upon the property and persons made taxable by law within the said district and township, a sum sufficient with the other revenues, to pay all the annual expenditures of said district or township, the interest on all loans made for the use of the said district or township, and a sum sufficient to form the sinking funds hereinbefore created.

Amount of
tax which
shall be levied
in Southwark
and Moya-
mensing.

SECTION 27. That from and after the passage of this act, it shall not be lawful for the commissioners of the district of Southwark, or the commissioners of the township of Moyamensing, to borrow on loan for a greater period than ninety days, any sum or sums of money exceeding in amount the one-fifth part of the taxes levied in any one year in the said district or township, without first obtaining the sanction and consent of the legislature of this commonwealth for authority to contract such loan. And the said sum or sums of money which it may be lawful for them to borrow without the consent of the Legislature shall not be borrowed for a period more than ninety days, and shall not exceed in amount the one-fifth part of the taxes aforesaid.

Power of
comm's of
Southwark &
Moyamensing
to borrow
money limited

SECTION 28. That before making application for authority to borrow on loan, for a greater period than ninety days, any sum or sums of money, exceeding in amount the one-fifth part of the amount of taxes levied in the said district of Southwark, or the township of Moyamensing, the said Commissioners shall publish in at least three of the daily papers published in the city of Philadelphia, twice in each week, for six months before the meeting of the Legislature, public notice of

Relative to
permanent
loans by
comm's of
Southwark
and Moya-
mensing.

their intention so to apply for authority to contract such loan. *Provided*, however, that nothing contained in this act, shall be taken or construed to impair or in anywise to alter or abridge the power and authority of the Commissioners of the district of Southwark, or the Commissioners of the township of Moyamensing, without the sanction and consent of the Legislature to renew and to extend from time to time, as they may deem proper, the time of payment of the several loans already contracted, at the different periods of time at which they may severally become payable.

Alley in borough
of Towanda
may be opened.

SECTION 29. That the street commissioners of the borough of Towanda be, and they are hereby authorized and required to lay out and open an alley eleven feet wide, from Spruce street to South, in said borough, two hundred and eleven feet west of Main street, and parallel with the same, and in conformity with an agreement between the original proprietors of the lots through and along which the said alley will pass. And in case any person shall consider himself damaged or aggrieved, by the act hereby required to be done, he may on complaint to the chief burgess, and due notice given to the persons interested, have a hearing before the said burgess and town council of the said borough, and, if dissatisfied with their decisions, may bring suit in the court of common pleas of said county against said borough for the recovery of such damages as he shall sustain by reason of the premises.

WM. HOPKINS,

Speaker of the House of Representatives.

E. KINGSBURY, Jr.

Speaker of the Senate.

APPROVED—The thirteenth day of October, in the year one thousand eight hundred and forty.

DAVID R. PORTER.

SECRETARY'S OFFICE.

Pennsylvania, ss.



I DO CERTIFY that the within, is a true copy of the original law remaining on file in this Office. Witness my hand and the seal of the said Office, at Harrisburg, the fourteenth day of October, A. D. one thousand eight hundred and forty.

FRS. R. SHUNK.

Secretary of the Commonwealth.

1717-55





